



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA January 22, 2020

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter

Item No.

Page No.

INTRODUCTION OF NEW COMMISSIONER

1. Introduction of Trent Wangen – New Burleigh County Representative of the Bismarck Planning and Zoning Commission.

MINUTES

2. Consider approval of the minutes of the December 18, 2019 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for public hearings.

3. **Elk Ridge Second Addition (JW)** 1

- Zoning Change (A & R5 to R5 & R10) | ZC2019-013

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Fringe Area Road Master Plan Amendment | FRMP2020-001

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Preliminary Plat | PPLT2019-011

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarcknd.gov



4. **Lots 1-3, Block 3, Edgewood Village 7th Addition (DN)**
Zoning Change (PUD to R10, RM30, C-CG and CA) | ZC2019-014 12
Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

REGULAR AGENDA

FINAL CONSIDERATION

The following item is a request for final action and forwarding to the City Commission

5. **Lots 16-17, Block 1 and Lot 1, Block 4, Clear Sky Addition (JW)**.....19
Annexation | ANNX2019-004
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
6. **Lots 2 and 15-16, Block 2; Lots 14-22, Block 4 and Lots 1-6, Block 4, Boulder Ridge 7th Addition (WH)** 24
Annexation | ANNX2019-002
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

7. **Cooperative Addition (JW)** 30
- Zoning Change (A to RT) | ZC2019-007
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
 - Final Plat | FPLT2019-007
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
8. **Daybreak Medical Addition First Replat (JW)** 37
Minor Subdivision Final Plat | MPLT2019-005
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
9. **Part of Sections 18 & 19, Hay Creek Township (Klee)** 45
Hay Creek Township
- Future Land Use Plan Amendment | FLUP2019-002
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
 - Zoning Change (A to R5 & R10) | ZC2019-012
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

OTHER BUSINESS

- 10. Information Session from Jannelle Combs, City Attorney on Board Conduct and Governance**
- 11. Election of Officers**
- 12. Comprehensive Plan Initiative**

ADJOURNMENT

- 13. Adjourn.** The next regular meeting date is scheduled for **February 26, 2020.**

Enclosures: Meeting Minutes of December 18, 2019
 Building Permit Activity Month to Date Report for December 2019
 Building Permit Activity Year to Date Report for December 2019

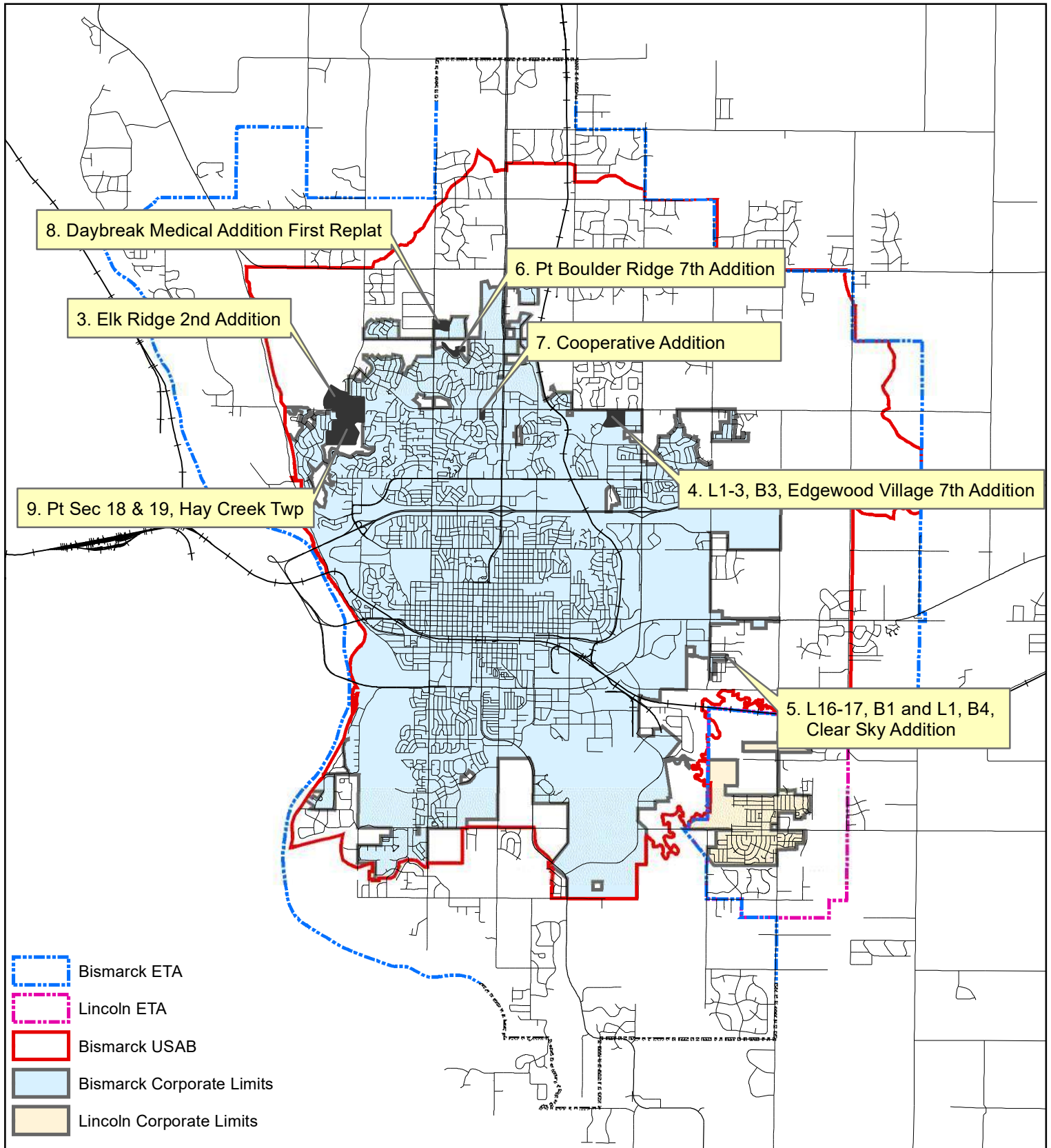
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Planning Commission Meeting - January 22, 2020



January 2020

0 4,000 8,000 16,000 Feet

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3
January 15, 2019

Application for: Zoning Change

Fringe Area Road Master Plan Amendment Major Subdivision Preliminary Plat

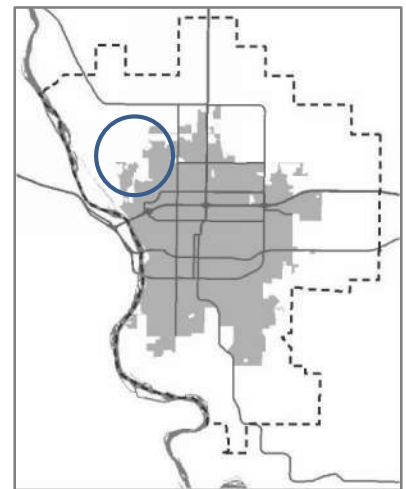
TRAKiT Project ID: ZC2019-013

FRMP2020-001

PPLT2019-011

Project Summary

Title:	Elk Ridge Second Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	RBK Ventures LLP
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the west side of Tyler Parkway (a replat of Lot 11, Block 7, Lot 14, Block 10, Lot 1, Block 6, Lot 1, Block 5, Eagle Crest 6th Addition and Blocks 4 and 5, Elk Ridge Addition and part of the SE¼ of Section 18 and part of the NE¼ of Section 19, T138N-R80W/ Hay Creek Township)
Project Size:	58.7 acres
Request:	Plat, zone, and annex property for future single and two-family development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	9 parcels	Number of Lots:	101 lots in 5 blocks
Land Use:	Undeveloped	Land Use:	Single and two-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Low Density Residential
Zoning:	A – Agriculture R5 – Residential	Zoning:	R5 – Residential R10 – Residential
Uses Allowed:	A – Agriculture R – Single family residential	Uses Allowed:	R5 – Residential R10 – Residential
Max Density Allowed:	A – 1 unit / 40 acres R5 – 5 units / acre	Max Density Allowed:	R5 – 5 units / acre R10 – 10 units / acre

(continued)

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

RBK Investors LLP is requesting approval of a zoning change from the A – Agriculture and R5 – Residential zoning districts to the R5 – Residential and R10 – Residential zoning districts, approval of a major subdivision preliminary plat for Elk Ridge Second Addition, and Fringe Area Road Master Plan Amendment to eliminate a north-south collector roadway within the proposed plat and in Sections 18 and 19, T139N-R80W/Hay Creek Township. The property is proposed to be annexed prior to development.

Adjacent uses include undeveloped A – Agricultural zoned property to the north, west and east; A – Agricultural and developing R5 – Residential zoned property to the northeast; and developing R5 – Residential property to the south.

Future Land Use Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the majority of the area in the proposed plat as Low Density Residential (LDR). The LDR land use designation allows for single and two-family residential uses and calls for densities in a range from 1 to 4 units per acre. The proposed plat generally conforms to the Future Land Use Plan.

Growth Phasing Plan

The Growth Phasing Plan in the 2014 Growth Management Plan, as amended, identifies the majority of the proposed plat as Priority and a smaller area located along the western edge of the proposed plat, west of Elk Ridge Drive as Future. The Priority area is an area where development is anticipated in the short term as municipal utilities area readily accessed, subject to available funding. Although the western edge of the proposed plat is located in the Future area, it is proposed to be served by utilities located within the Priority Area.

Fringe Area Road Master Plan

The 2014 Fringe Area Road Master Plan, as amended, identifies Frisco Drive as an east-west collector roadway and Tyler Parkway as a north-south arterial roadway.

The Fringe Area Road Master Plan also identifies a north-south collector roadway within area of the proposed plat, in Sections 18 and 19 of Hay Creek Township. A request to amend the Fringe Area Road Master Plan to eliminate this north-south collector classification has been made. Staff is supportive of this request as Ivory Lane within the plat, and the extension of Ivory Lane north to Ash Coulee Drive, will continue to provide north-south interconnectivity throughout the area as indicated in the attached developer conceptual roadway plan.

Neighborhood Parks and Open Space Policy

The Bismarck Parks and Recreation District approved a Neighborhood Park Development Agreement for Elk Ridge Addition in 2018. The neighborhood park created with the agreement would also serve this plat. A multi-use trail has been proposed along the northern portion of the proposed plat. The owner and Bismarck Parks and Recreation District are collaborating on the location and ownership of the proposed trail. Ownership and location would be formalized prior to approval of a final plat.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

(continued)

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Fringe Area Road Master Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks has been met with the approved neighborhood park in Elk Ridge Addition;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture and R5 – Residential zoning districts to the R5 – Residential and R10 – Residential zoning districts, tentative approval of a major subdivision final plat for Elk Ridge Second Addition, and scheduling a public hearing for a Fringe Area Road Master Plan Amendment to eliminate a north-south collector roadway within the proposed plat and in Sections 18 and 19, T139N-R80W/Hay Creek Township.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Fringe Area Road Master Plan Amendment Narrative
5. Developer Conceptual Roadway Plan
6. Fringe Area Road Master Plan Map
7. Preliminary Plat

*Staff report prepared
by:*

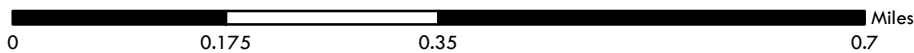
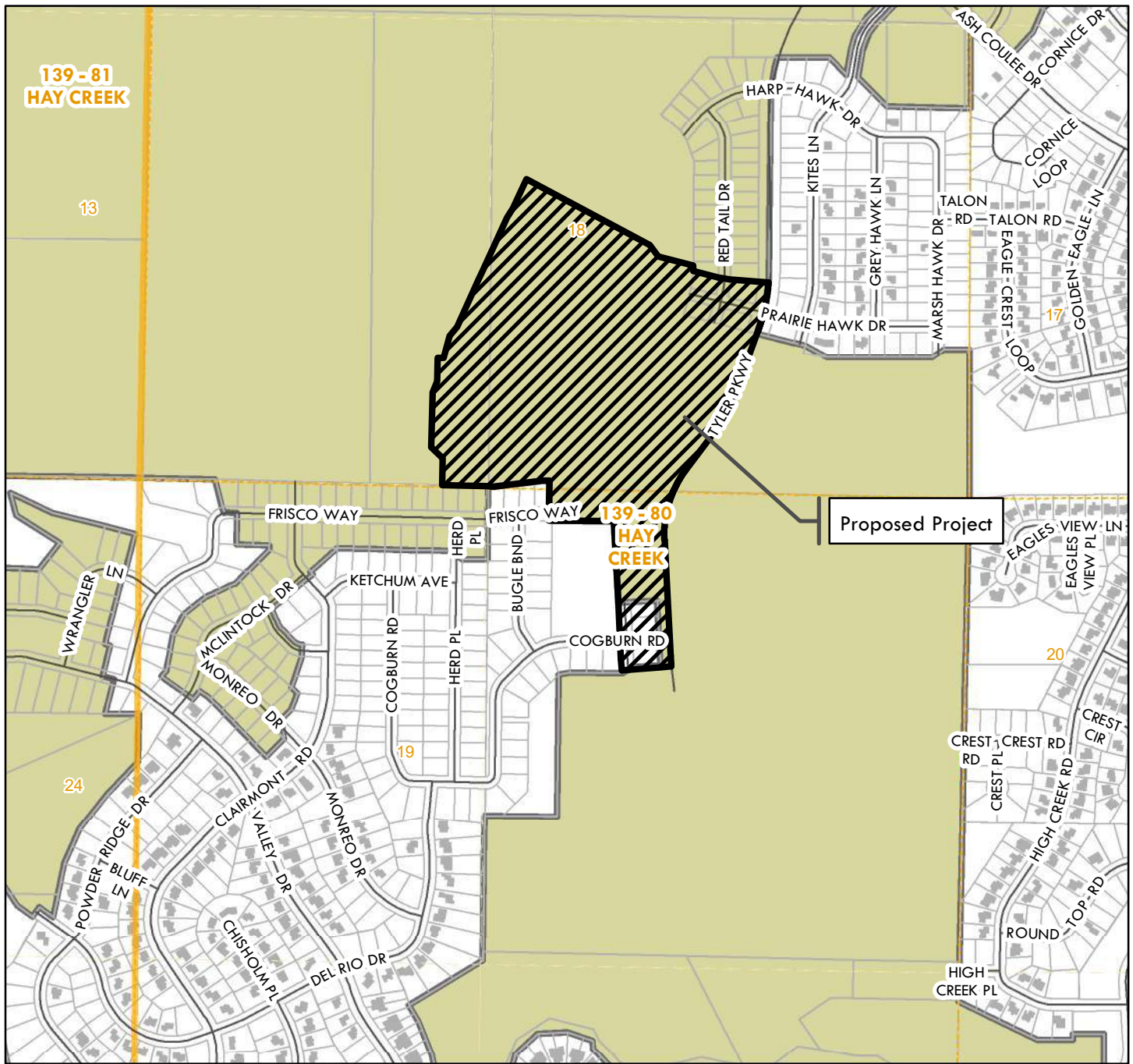
Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

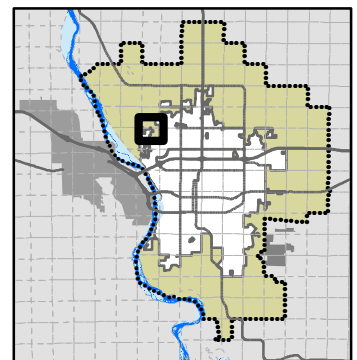
Elk Ridge Second Addition

PPLT2019-011
ZC2019-013
ANNX2019-005
FRMP2020-001



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 2, 2020 (HLB)

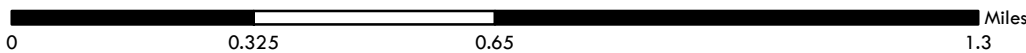
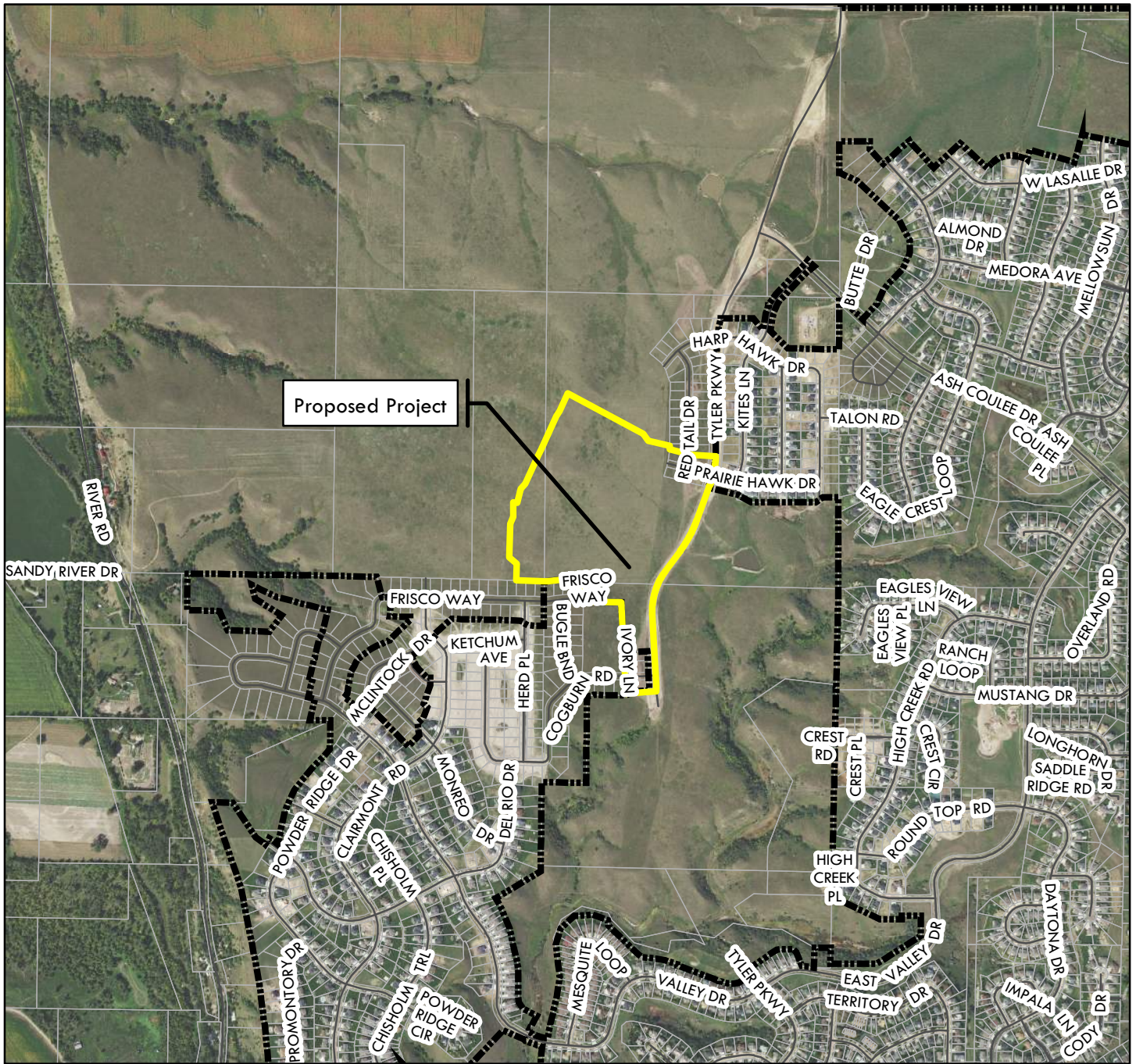
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Aerial Map

Elk Ridge Second Addition

PPLT2019-011
ZC2019-013
ANNX2019-005
FRMP2020-001

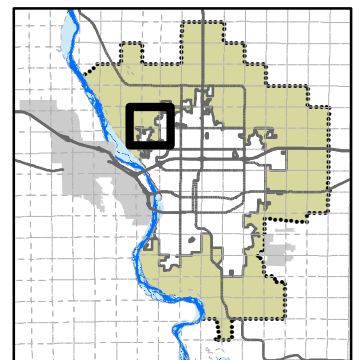


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
January 16, 2020

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Zoning and Plan Reference Map

Elk Ridge Second Addition

ZC2019-0013

PPLT2019-011

FRMP2020-001

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

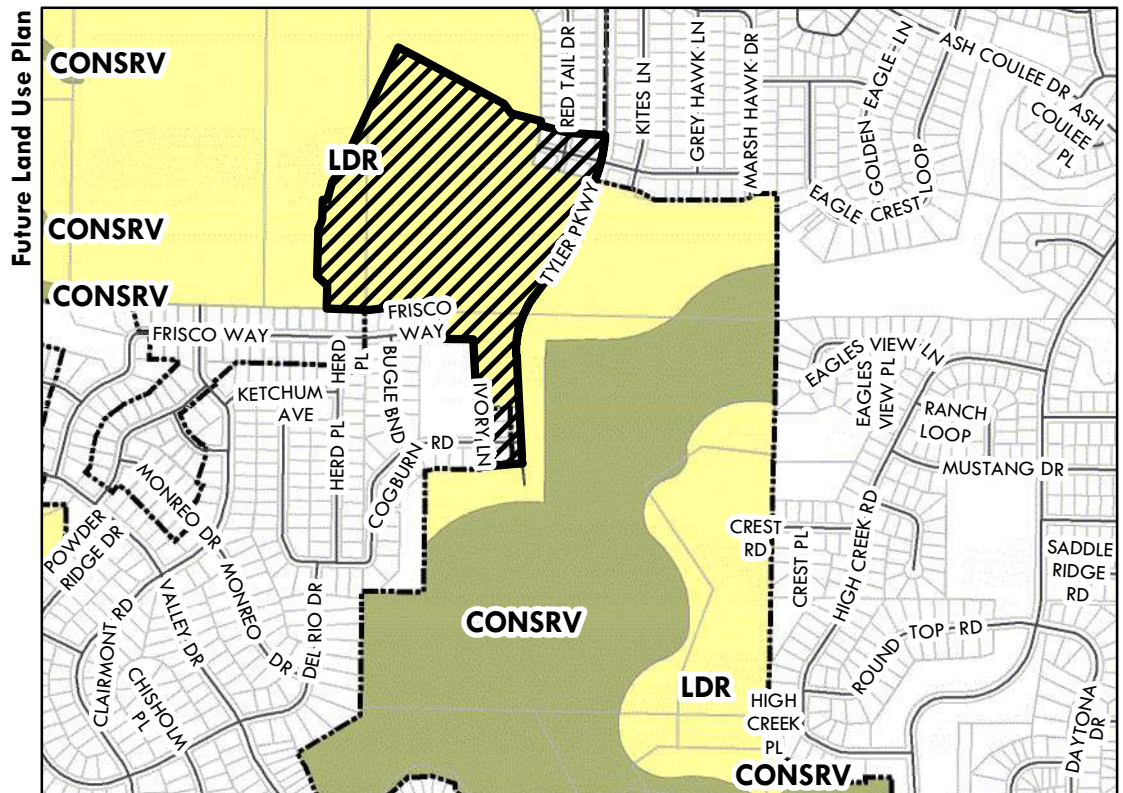
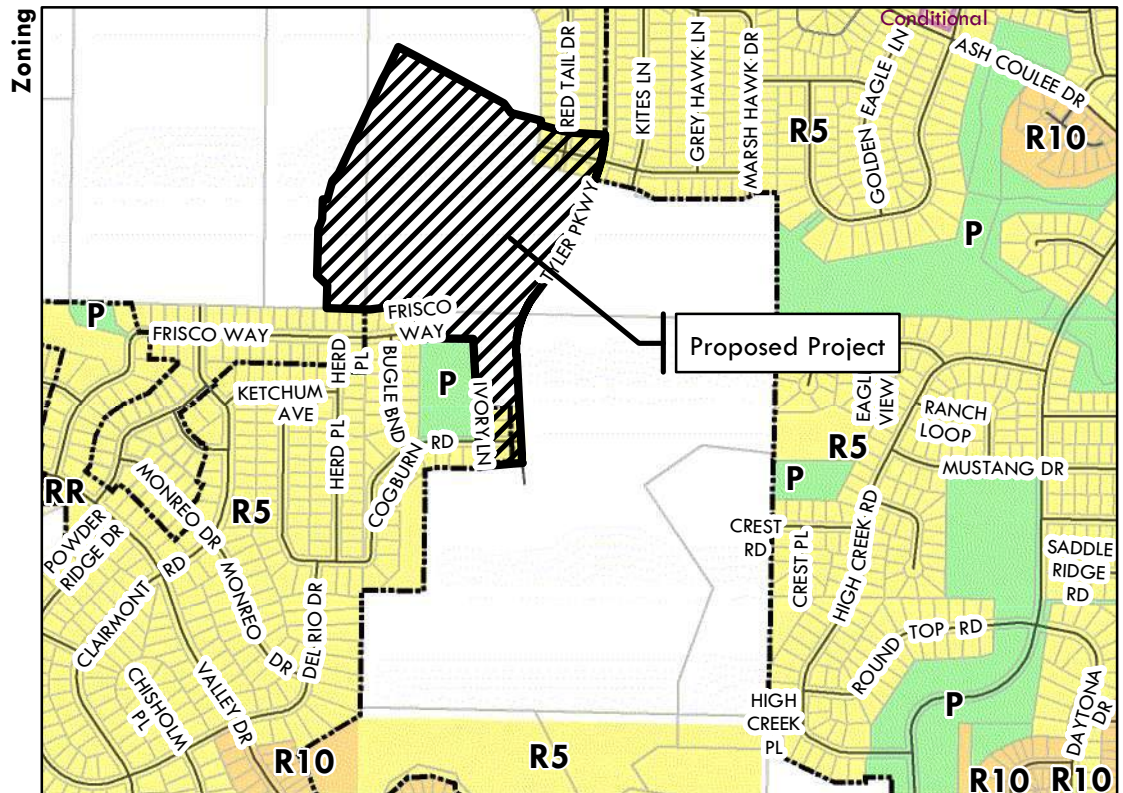
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.175 0.35 0.7 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
January 16, 2020

FARMP Amendment

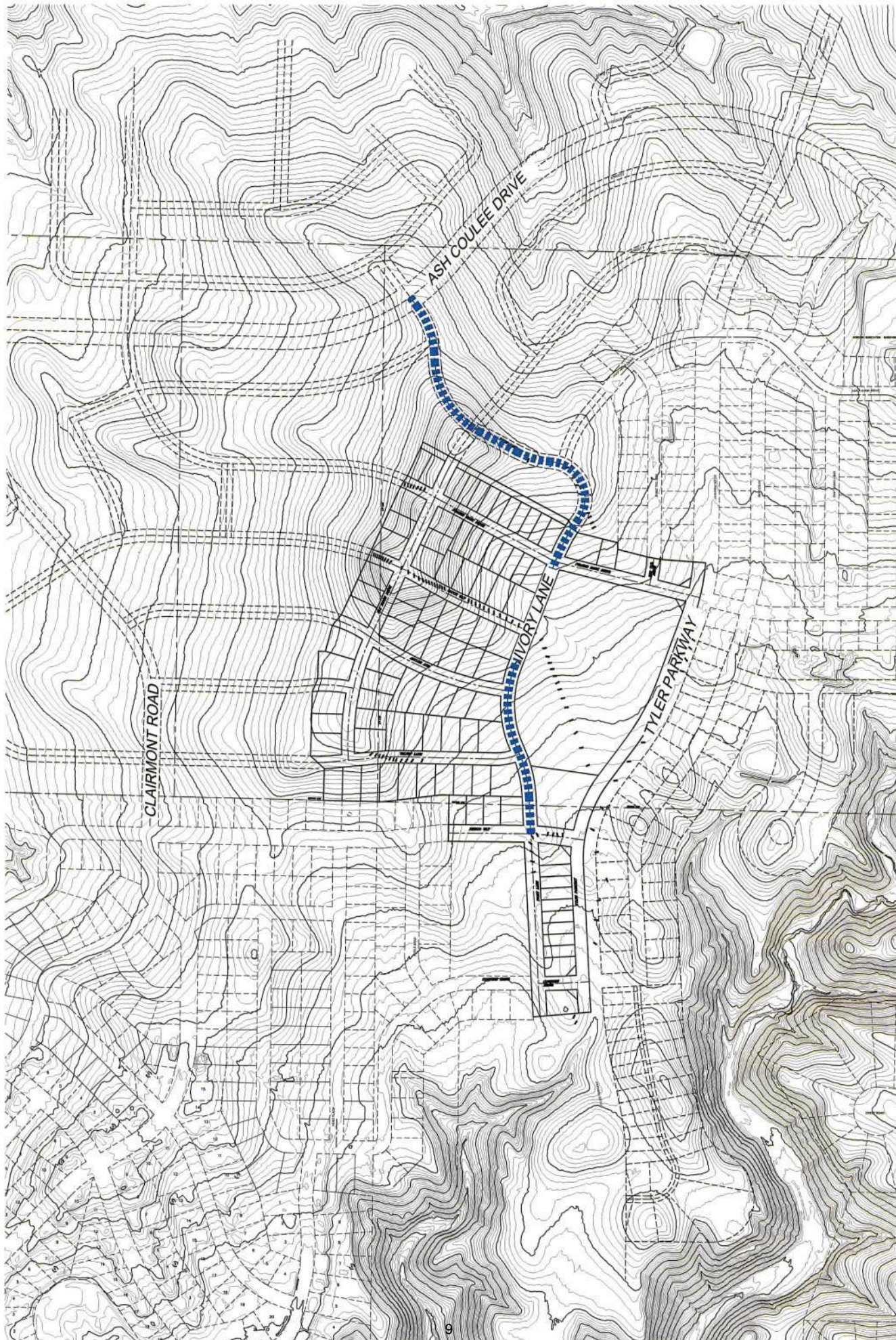
Bismarck North Developers, LLC is requesting an Amendment to the Fringe Area Road Master Plan to eliminate the Easternmost North-South collector road in Sections 18 & 19, Township 139 N., Range 80 W. of Hay Creek Township. The right-of-way, as shown on the attached exhibit, lies west of Tyler Parkway (an arterial road) and east of the extension of Clairmont Road (a collector road).

Currently, the FARMP requires a half-mile of collector road be dedicated in the southeast 1/4 of section 18-139-80, from the south line of Section 18, north to the westerly extension of Ash Coulee Drive, at which point it would become a local road. The proposed collector road is isolated to the SE 1/4, and would not significantly improve traffic flows or connectivity within the area greater than the dedication of a local road.

Typically, the FARMP proposes arterial & collector roads to be dedicated on 1/4 lines and section lines, respectively, leaving a spacing of roughly a 1/2 mile between them. The location of Tyler Parkway (the arterial road) in this section is closer to the center of the SE 1/4 than the section line; consequently the spacing between planned collector & arterial roads is much closer than typical. This eliminates the need for a collector road within Elk Ridge Second Addition, as the area that would be served by a collector will instead use the Tyler Parkway for north-south traffic.

Connectivity will still be maintained in the area, as Ivory Lane will be routed to Ash Coulee Drive, but as a local street with a 66' ROW width, which will allow for better parking & accessibility to a possible school site planned for the subdivision.

Additionally, Clairmont Road will still act as a collector road as future phases of the development are proposed. Clairmont Road will extend north and intersect with both Ash Coulee Drive/43rd Ave and 57th Ave, before transitioning to an arterial road at 71st Ave.





Fringe Area Road Master Plan Reference Map

FRMP2020-001

Elk Ridge Second Addition

Existing Plan

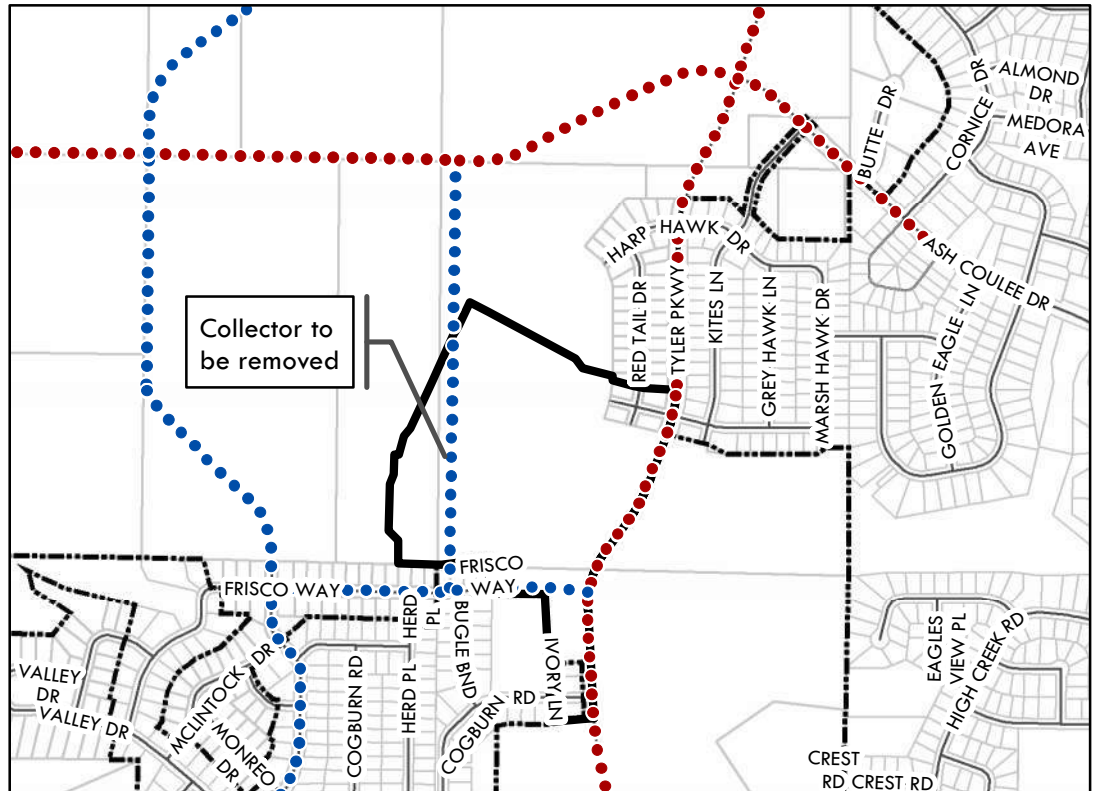
Fringe Area Road Master Plan

Planned Arterial

Planned Collector

Associated Project Area

City Limits

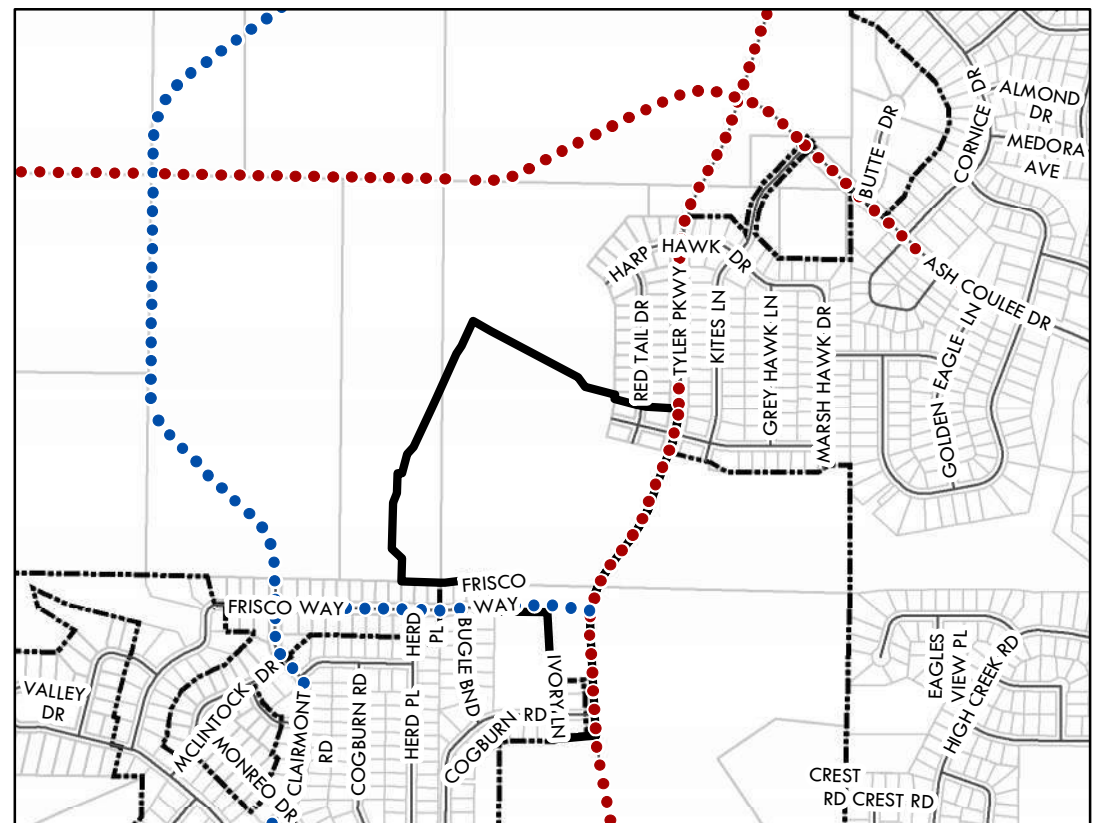


Proposed Plan

0 0.075 0.15 0.3 Miles

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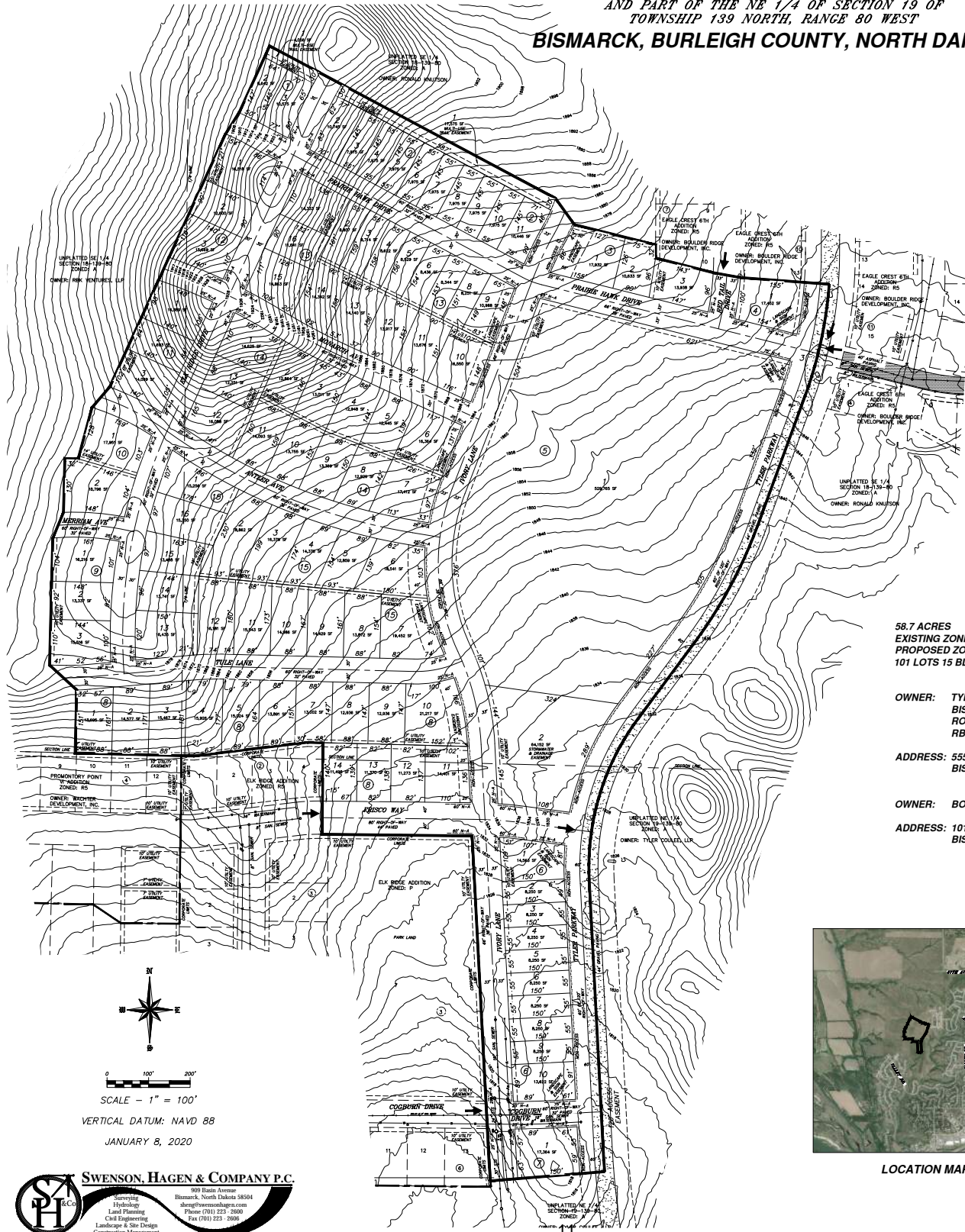
City of Bismarck
Community Development
Department
Planning Division
January 17, 2020



ELK RIDGE SECOND ADDITION

A REPLAT OF LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1
BLOCK 6, LOT 1 BLOCK 5 EAGLE CREST 6TH ADDITION AND
BLOCKS 4 & 5 OF ELK RIDGE ADDITION &
PART OF THE SE 1/4 SECTION 18
AND PART OF THE NE 1/4 OF SECTION 19 OF
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



58.7 ACRES
EXISTING ZONING: A, R5
PROPOSED ZONING: R5, R10
101 LOTS 15 BLOCKS

OWNER: TYLER COULEE, LLP
BISMARCK NORTH DEVELOPERS
RON KNUTSON
RBN VENTURES, LLP

ADDRESS: 555 HWY 1804 NE
BISMARCK, ND 58503

OWNER: BOULDER RIDGE DEVELOPMENT, INC.

ADDRESS: 101 SLATE DR., STE. 1
BISMARCK, ND 58503



LOCATION MAP



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

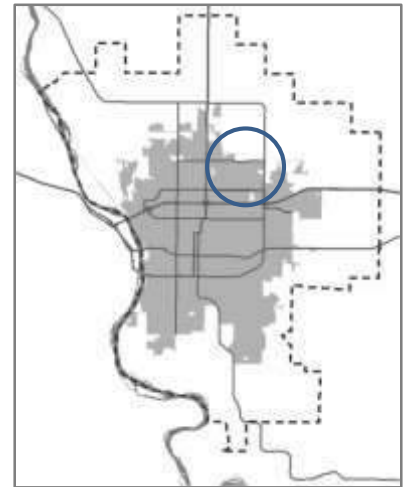
Agenda Item # 4
January 22, 2020

Application for: Zoning Change

TRAKiT Project ID: ZC2019-014

Project Summary

<i>Title:</i>	Lots 1-3, Block 3, Edgewood Village 7 th Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Edgewood Properties, LLLP
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	In northeast Bismarck, west of Centennial Road and south of 43 rd Avenue NE, just north of Legacy High School
<i>Project Size:</i>	40.95 Acres
<i>Request:</i>	Rezone to facilitate two-family and multifamily development of south half and future development of north half



Site Information

Existing Conditions

<i>Number of Lots:</i>	3 Lots in 1 Block
<i>Land Use:</i>	Undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	Multifamily Residential
<i>Max Density Allowed:</i>	23.2 units/acre

Proposed Conditions

<i>Number of Lots:</i>	3 Lots in 1 Block
<i>Land Use:</i>	Two-Family Residential Multifamily Residential Office and Commercial Uses
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R10 – Residential RM30 – Residential CA – Commercial - Conditional CG – Commercial - Conditional
<i>Uses Allowed:</i>	R10 – Single and two-family residential RM30 – Multi-family residential CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices
<i>Max Density Allowed:</i>	R10 – 10 units / acre RM30 – 30 units / acre CA – 30 units / acre CG – 42 units / acre

Property History

Zoned:	PUD – 09/2014 RM30/P – 03/2013	Platted:	04/2013	Annexed:	3/2013
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Staff Analysis

Edgewood Properties, LLLP is requesting approval of a zoning change from the PUD – Planned Unit Development zoning district to the Conditional CG – Commercial, Conditional CA – Commercial, RM30 – Residential and R10 – Residential zoning districts for Edgewood Village 7th Addition.

Adjacent uses include rural residential uses to the north, undeveloped commercially-zoned land to the east, Legacy High School to the south, and a mix of multifamily and single-family residential to the west.

When the plat for Edgewood Village 7th Addition was recorded in 2013, the area was zoned RM30 – Residential with an unbuildable lot zoned P – Public through the middle. The zoning was changed to the current PUD the following year. The PUD is tied to a specific site development plan with 14 apartment buildings and a total of 950 residential units. The greenway through the center was retained, including a multiuse trail constructed and maintained by the Bismarck Parks and Recreation District. This lot is also encumbered with a stormwater easement.

The owner of the property does not intend to complete the development as outlined in the PUD. Because PUDs are self-contained zoning districts, a change of any part requires a change of the entire district.

In the short term, the property owner has stated the intention of developing 52 units of two-family residential dwellings in the R10 – Residential portion, followed by multifamily residential uses in the RM30 – Residential districts. A replat is expected to be submitted in conjunction with the public hearing for this zoning change.

In the future, the property owner intends to develop the northern portion of the site adjacent to 43rd Avenue NE. The requested Conditional CG – Commercial zoning district would be written to match a standard CA – Commercial zoning district, with the exception of an

allowance for drive-through establishments with a special use permit. The district would also include certain other provisions, such as a requirement for downcast lighting to mitigate any impact on the residential area to the north. The applicant requests Conditional CA – Commercial zoning for the remainder of the northern portion.

Given the proximity of rural residential housing to the north of 43rd Avenue NE, staff does not support the request in its entirety. The requested Conditional CG – Commercial parcel is acceptable at the intersection of 43rd Avenue NE and Minnesota Drive as an extension of the adjacent commercial area to the east. However, the requested CA – Commercial is not supported, because staff considers this an excessive impact on the residential properties to the north. Staff would support a change to the RT – Residential or the RM30 – Residential zoning districts for this area, two zoning districts that would have less of an impact on the adjoining properties. Staff will continue discussions with the applicant on this topic prior to the public hearing.

The proposed zoning districts do not entirely follow existing lot lines. Therefore, either a replat or administrative lot modifications would be required prior to the zoning change taking effect. Additional parcels created through the replat or lot modification process would be subject to utility capital charges for public infrastructure.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is not compatible with adjacent land uses and zoning, as proposed;

(continued)

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing from the PUD – Planned Unit Development zoning district to the Conditional CG – Commercial, Conditional CA – Commercial, RM30 – Residential and R10 – Residential zoning districts for Edgewood Village 7th Addition, with the understanding that staff will not recommend approval of this request in its current form.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Map

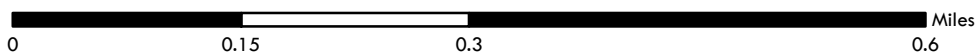
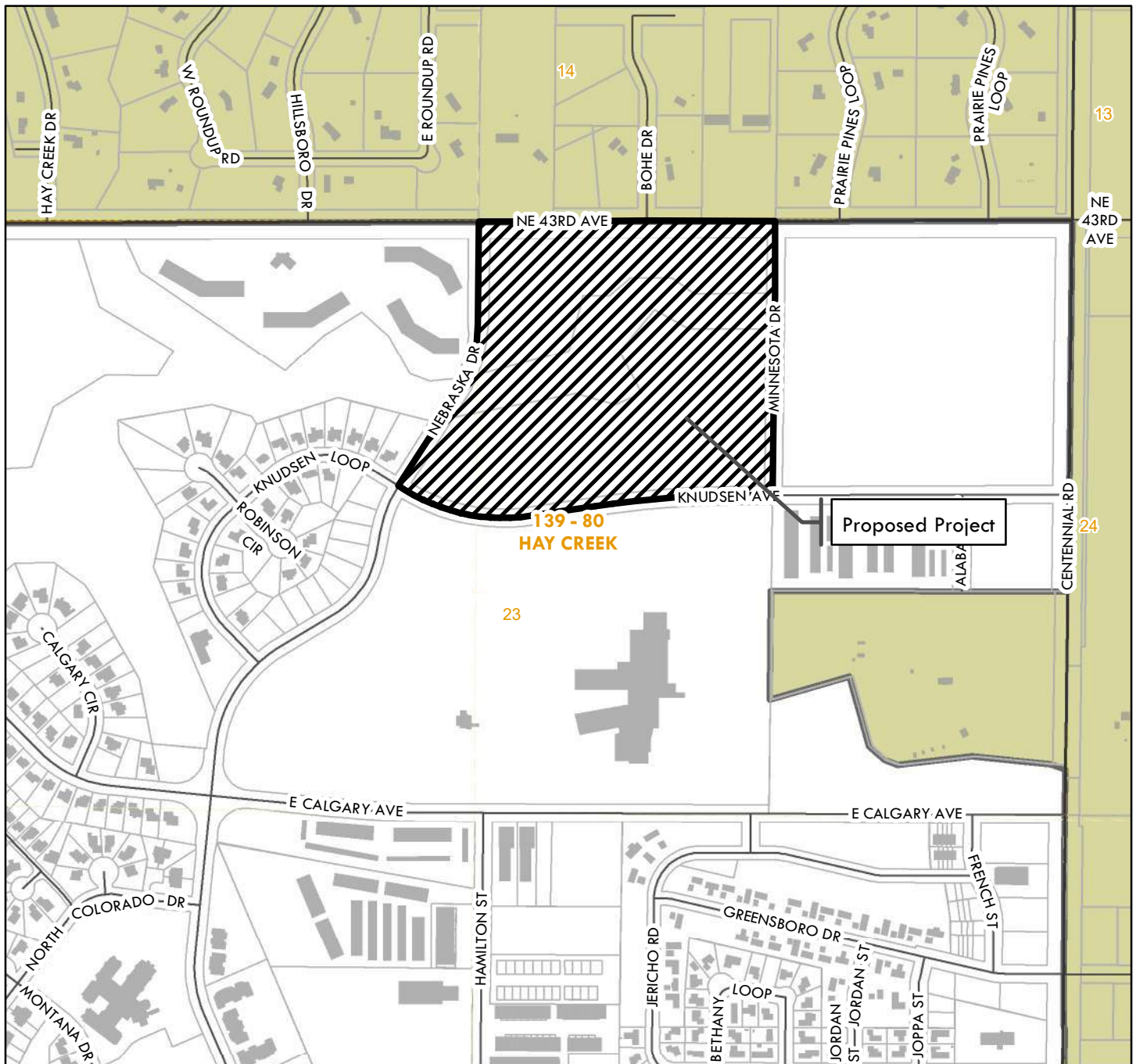
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Location Map

Block 3, Edgewood Village 7th Addition

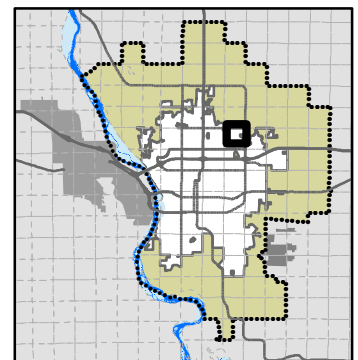
ZC2019-014



Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 17, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

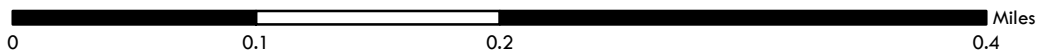
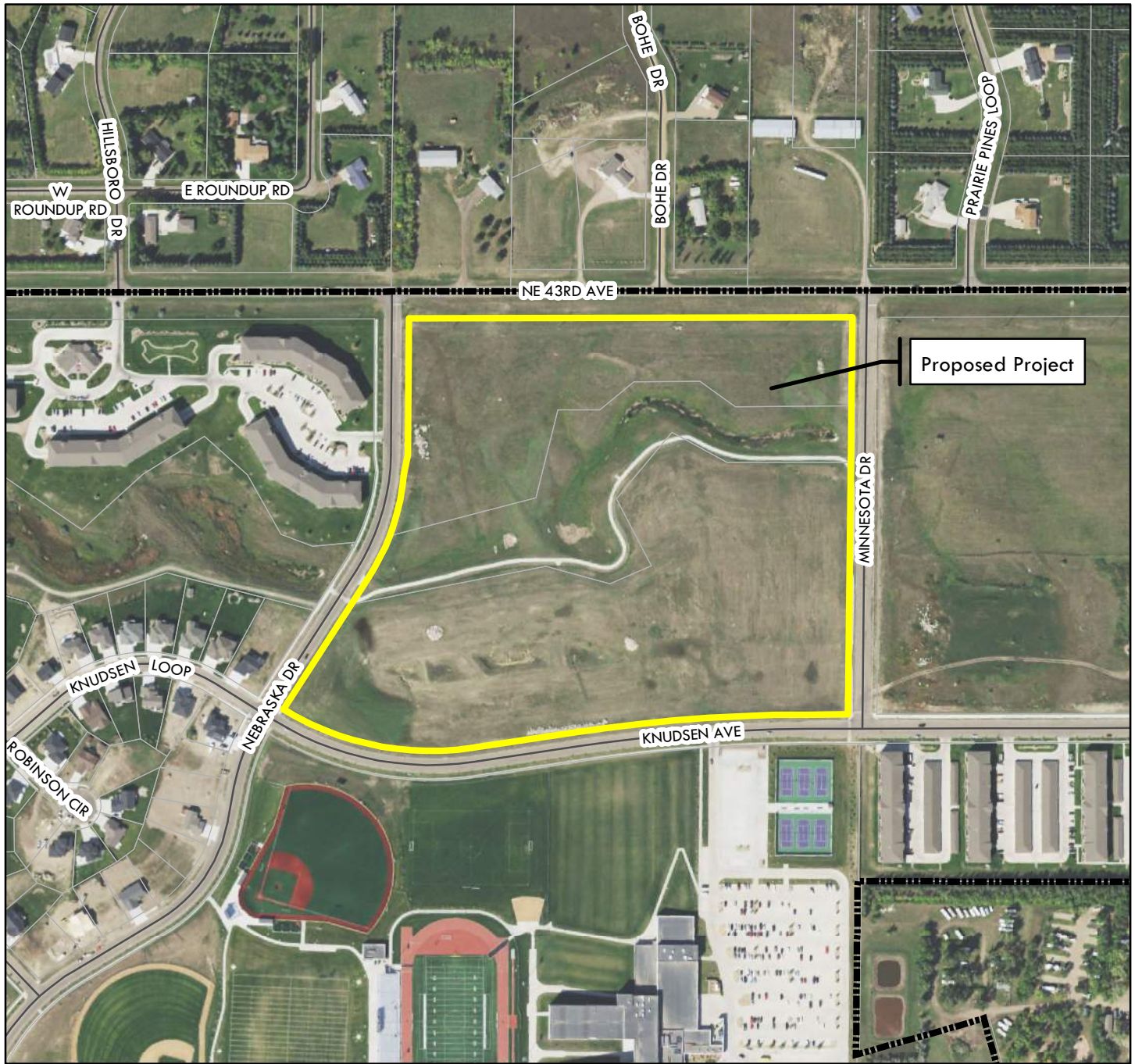




Aerial Map

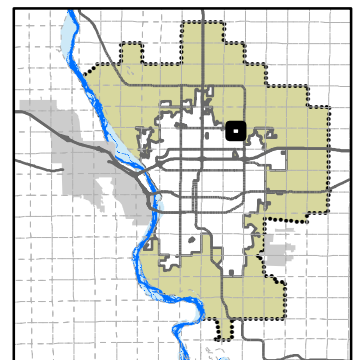
Edgewood Village 7th Addition

ZC2019-014



 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018



City of Bismarck
Community Development Department
Planning Division
January 15, 2020



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Zoning and Plan Reference Map

Block 3, Edgewood Village 7th Addition

ZC2019-014

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts



A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential
RT	Multifamily Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

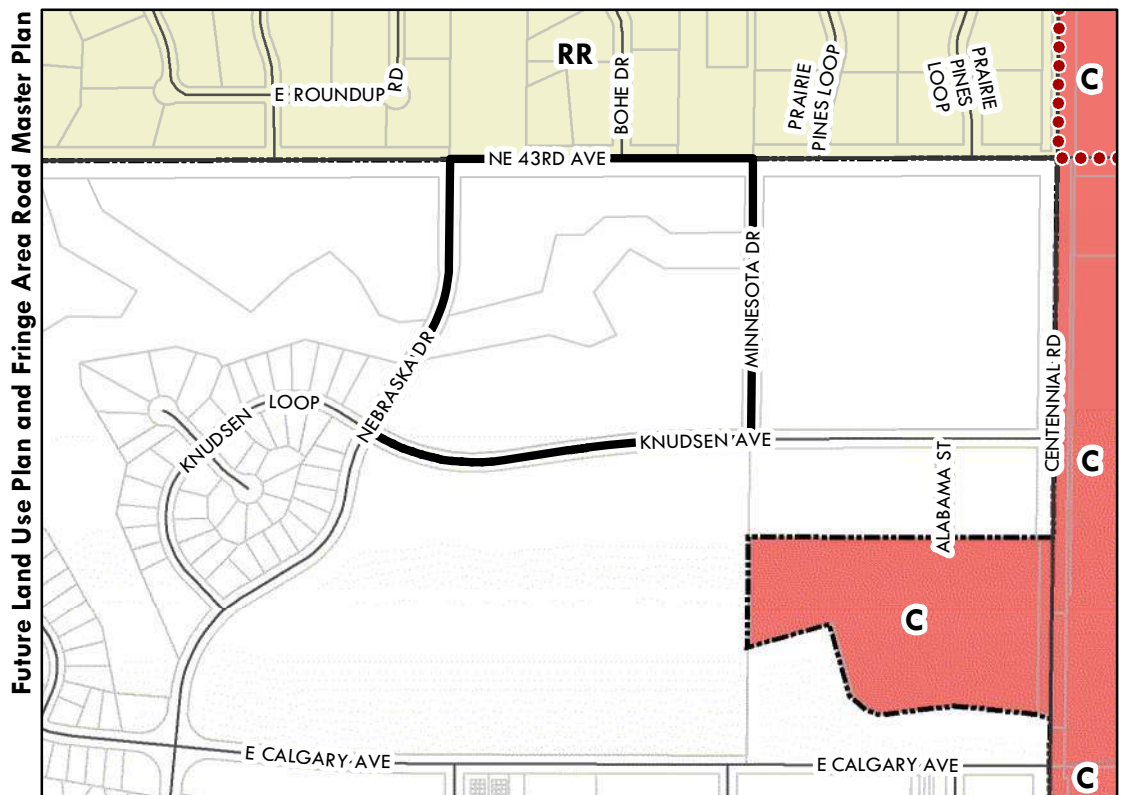
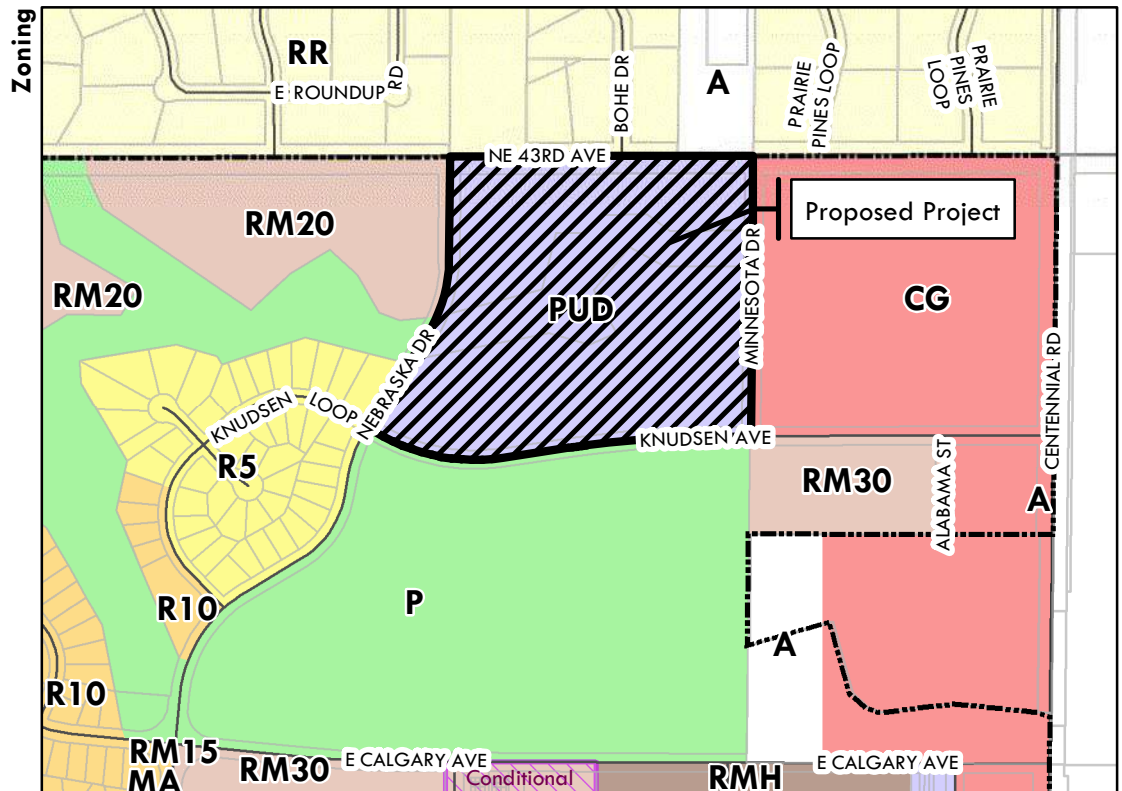
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

-  Planned Arterial
-  Planned Collector



0 0.125 0.25 0.5 Miles

 City Limits

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City of Bismarck
Community Development Dept.
Planning Division
January 17, 2020



Proposed Zoning Change

Block 3, Edgewood Village 7th Addition

ZC2019-014

Proposed New Zoning Map

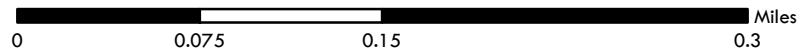
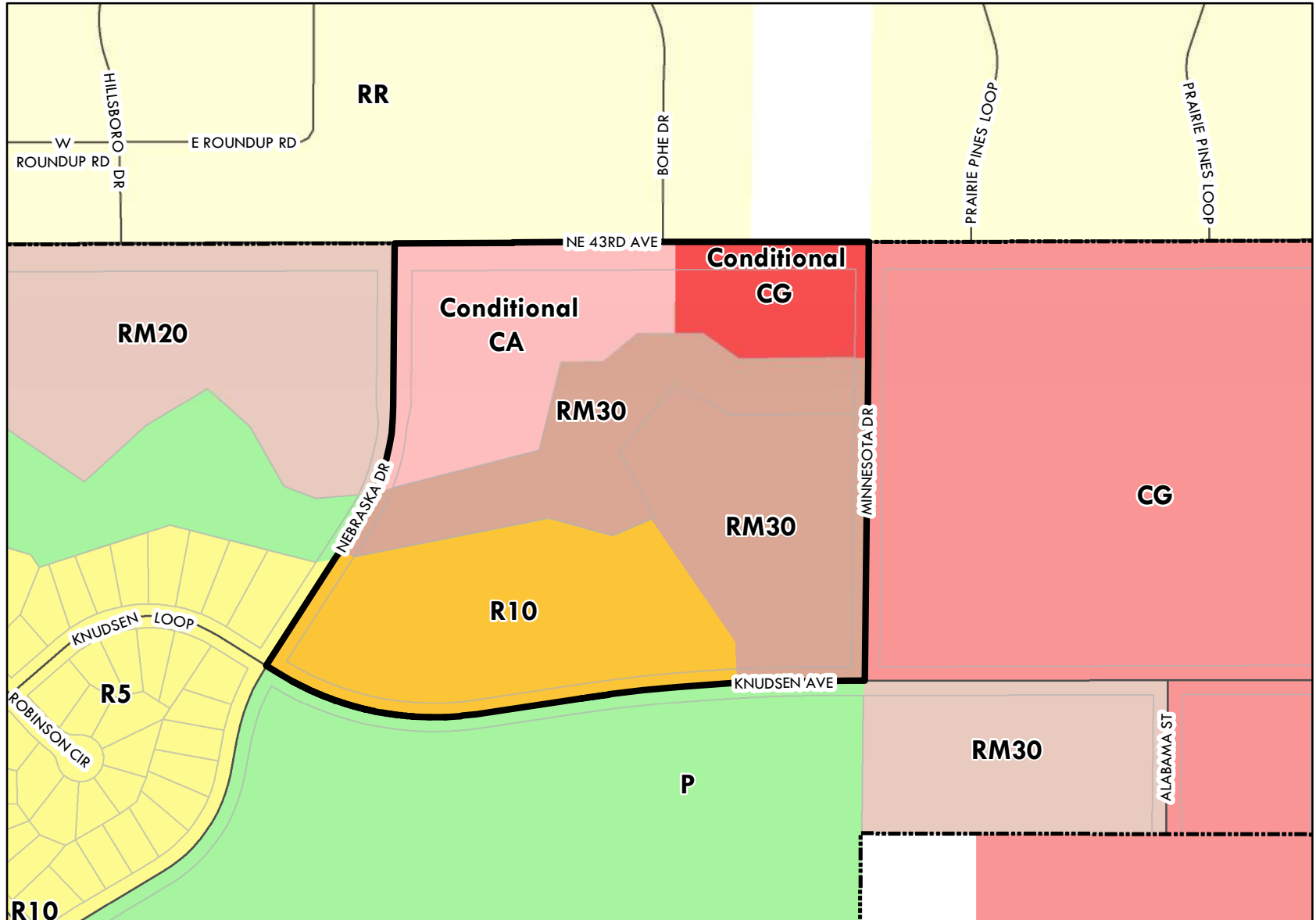


Project Area
(zoning within
is proposed)

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district



City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

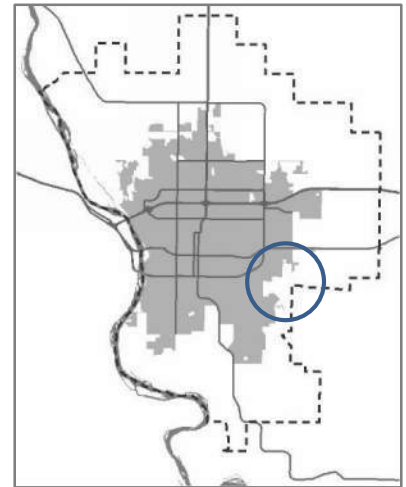
Agenda Item # 5
January 22, 2020

Application for: Annexation

TRAKiT Project ID: ANNX2019-004

Project Summary

Title:	Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	FRF Investments, LLP
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	In southeast Bismarck, east of 52 nd Street SE along the north and south side of Hendrickson Drive, east of Hermanson Drive (Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition)
Project Size:	1.49 acres
Request:	Annex three lots for future single-family development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 lots in 2 blocks	Number of Lots:	3 lots in 2 blocks
Land Use:	Undeveloped	Land Use:	Single-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	Zoning:	R5 – Residential
Uses Allowed:	R5 – Single-family residential	Uses Allowed:	R5 – Single-family residential
Max Density Allowed:	R5 – 5 units / acre	Max Density Allowed:	R5 – 5 units / acre

Property History

Zoned:	06/2019	Platted:	06/2019	Annexed:	N/A
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Staff Analysis

FRF Investments, LLP is requesting approval of the annexation of Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition.

The plat of Clear Sky Addition containing 229 lots, a zoning change to the R5 – Residential and P – Public zoning districts and annexation of Phase I, which included 48 lots, were approved in 2019.

(continued)

The proposed annexation would include three residential lots and would provide a paved fire and emergency turnaround and enhance site grading for stormwater runoff for Phase I of the development.

The proposed annexation is located within the Future Area of the Growth Phasing Plan in the 2014 Growth Management Plan, as amended. Costs associated with extending municipal services from current corporate limits to the proposed subdivision will continue to be the responsibility of the property owner as indicated in the previous approval of the plat, zoning change and partial annexation for this subdivision.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

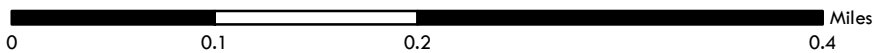
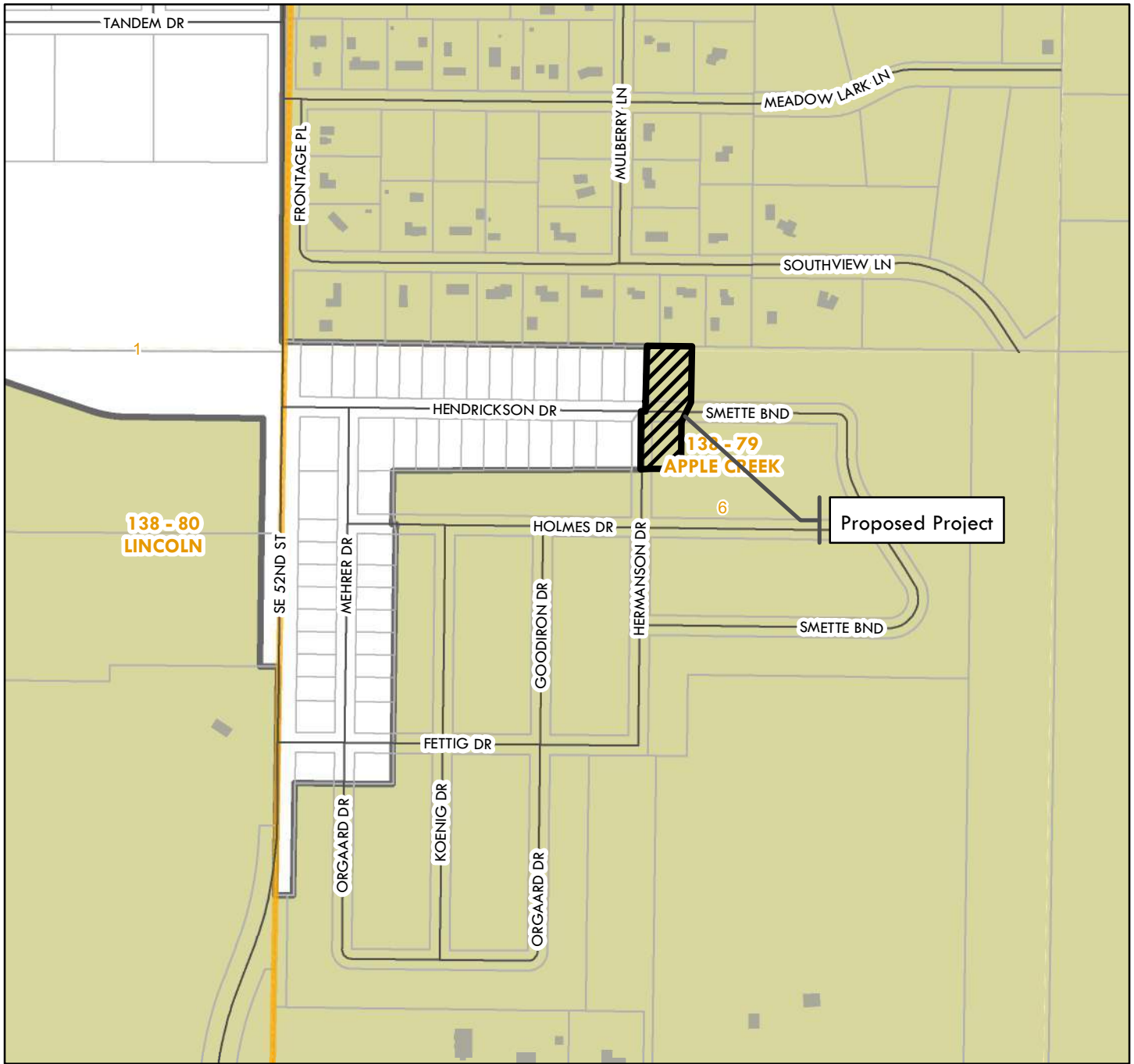
Staff report prepared by: Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



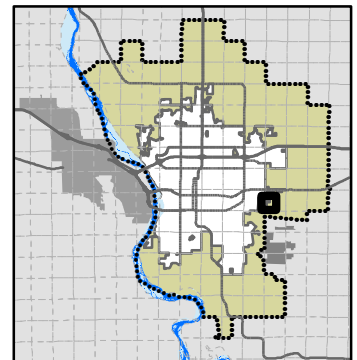
Location Map

ANNX2019-004

Lots 16-17, Block 1 and Lot 1, Block 4, Clear Sky Addition



Section, township, and range indicated in orange



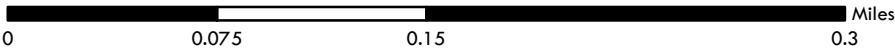
City of Bismarck
Community Development Department
Planning Division
January 17, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

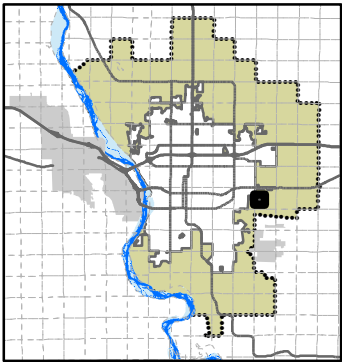
Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition



 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
January 15, 2020



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Zoning and Plan Reference Map

ANNX2019-004

Lot 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
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DC	Downtown Core
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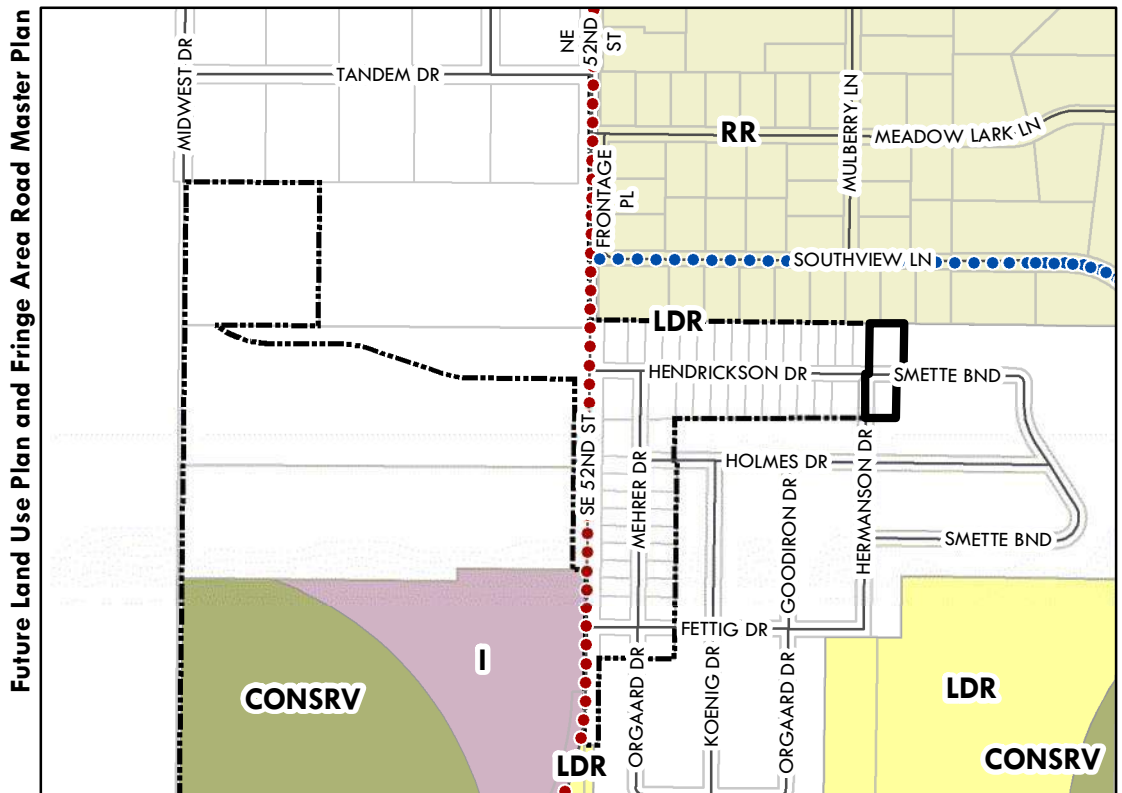
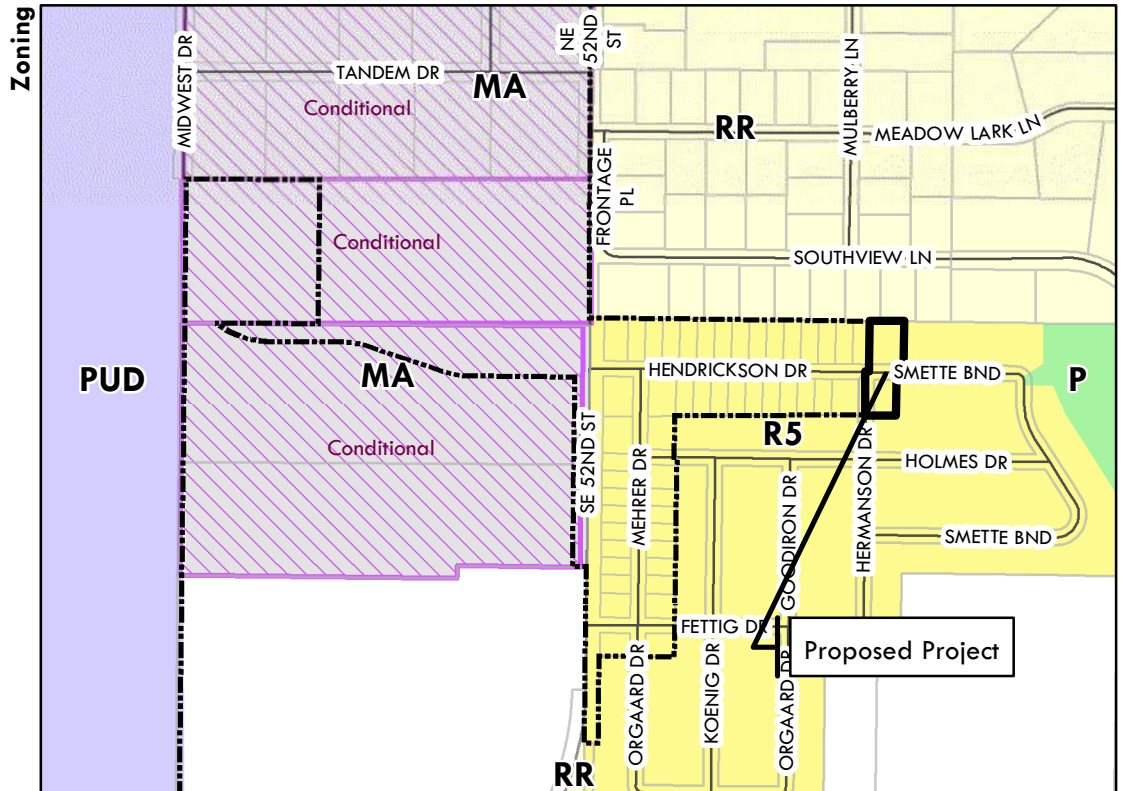
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
January 15, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

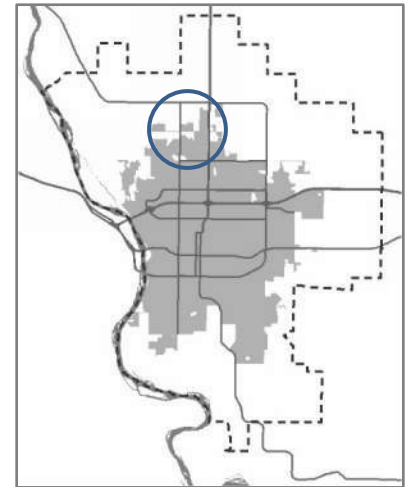
Agenda Item # 6
January 22, 2020

Application for: Annexation

TRAKiT Project ID: ANNX2019-006

Project Summary

<i>Title:</i>	Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition, currently part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township
<i>Status:</i>	Planning & Zoning Commission – Final Consideration
<i>Owner(s):</i>	Five Guys Investment, LLP
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	North-central Bismarck, along the east side of North Washington Street and the south side of 57 th Avenue NE
<i>Project Size:</i>	1.21 acres
<i>Request:</i>	Annex property for future single-family residential and public stormwater uses



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 unplatted parcel
<i>Land Use:</i>	Undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	18 lots in 3 blocks
<i>Land Use:</i>	Residential and public stormwater
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential P – Public Use
<i>Uses Allowed:</i>	R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density Allowed:</i>	R5 – 5 units / acre P – N/A

Property History

<i>Zoned:</i>	R5 - 1/2018 R5 & P - Pending (Approved 7/2019)	<i>Platted:</i>	Pending (Approved 8/2019)	<i>Annexed:</i>	N/A
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Staff Analysis

Five Guys Investment, LLP is requesting approval of the annexation of part of the NW $\frac{1}{4}$ of Section 16, T139N-R80W/Hay Creek Township to be known as Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition.

The final plat of Boulder Ridge Seventh Addition and zoning changes for the entire area of the plat were approved by the Bismarck City Commission in July 2019, with a revision to the plat approved in August 2019. However, the final plat has not yet been recorded and the previous annexation and zoning changes are not effective until the plat is recorded. The proposed annexation of these lots within the pending plat would allow for development of additional single-family residential uses in this area. The proposed annexation would not be effective until the plat is recorded.

The proposed annexation is located within the Priority Area of the Growth Phasing Plan in the 2014 Growth Management Plan, as amended. The Priority Area is where development can be anticipated in the short-term because city services may be readily accessed, subject to available funding.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any

development allowed by the annexation at the time the property is developed;

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of part of the NW $\frac{1}{4}$ of Section 16, T139N-R80W/Hay Creek Township, to be known as Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Plat with Annexation Areas Highlighted

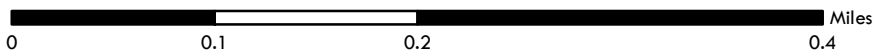
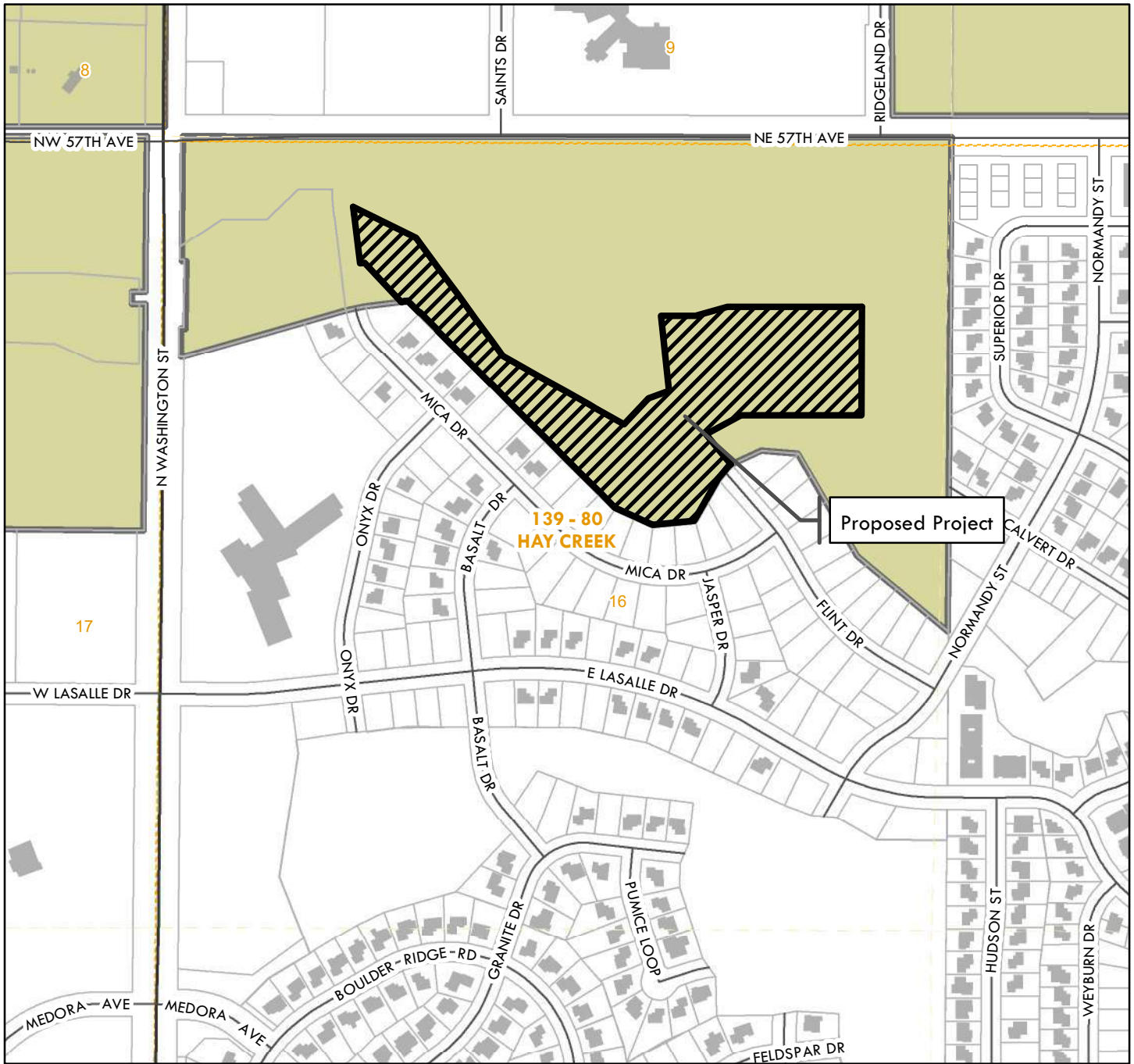
Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



Location Map

ANNX2019-006

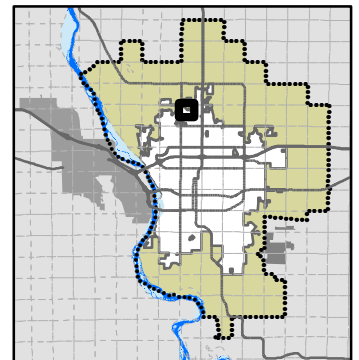
Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition



Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
December 23, 2019 (HLB)

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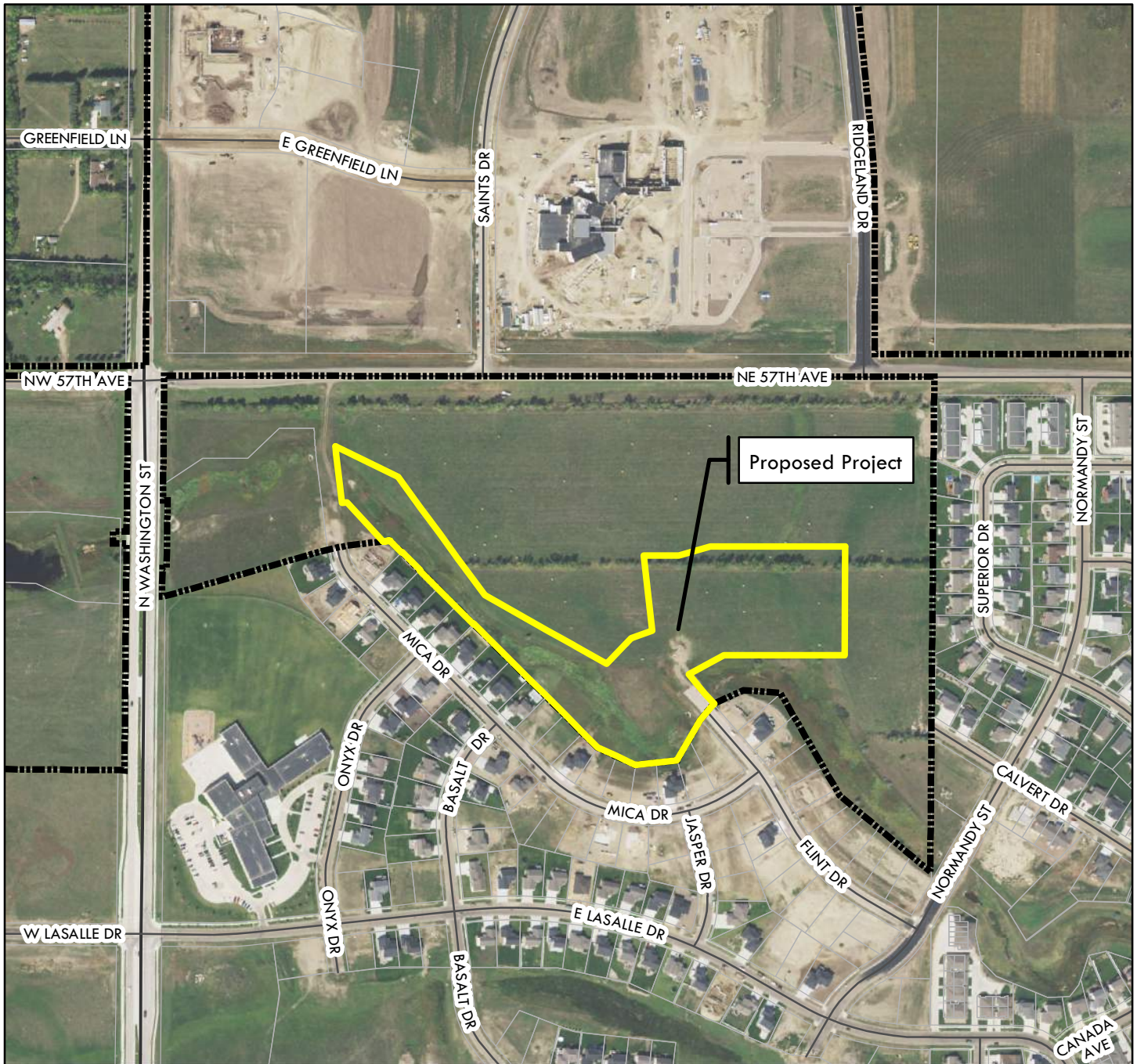




Aerial Map

ANNX2019-006

Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition



0 0.125 0.25 0.5 Miles



City Limits

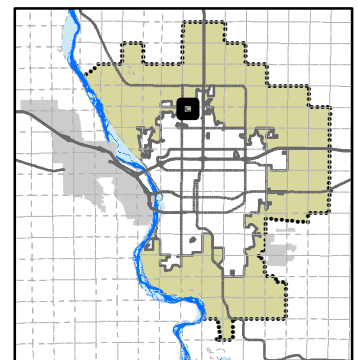


Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
January 14, 2020

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Zoning and Plan Reference Map

ANNX2019-006

Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
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PUD	Planned Unit Development
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DF	Downtown Fringe

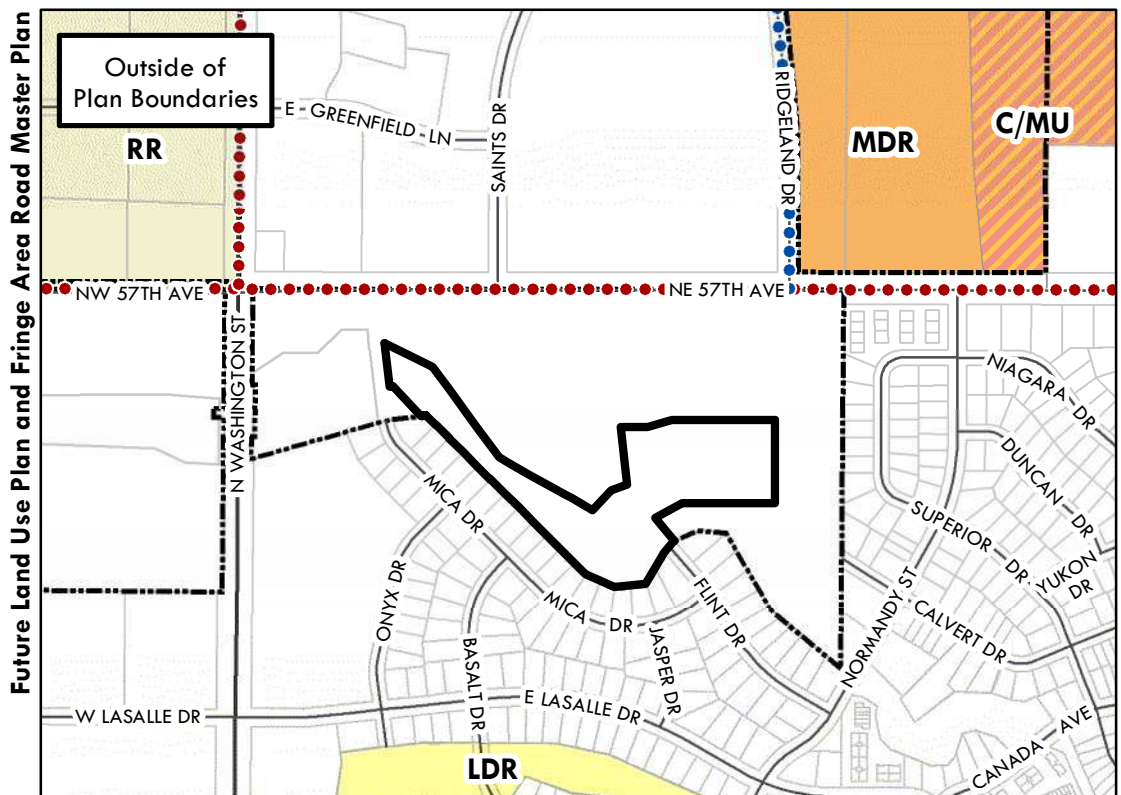
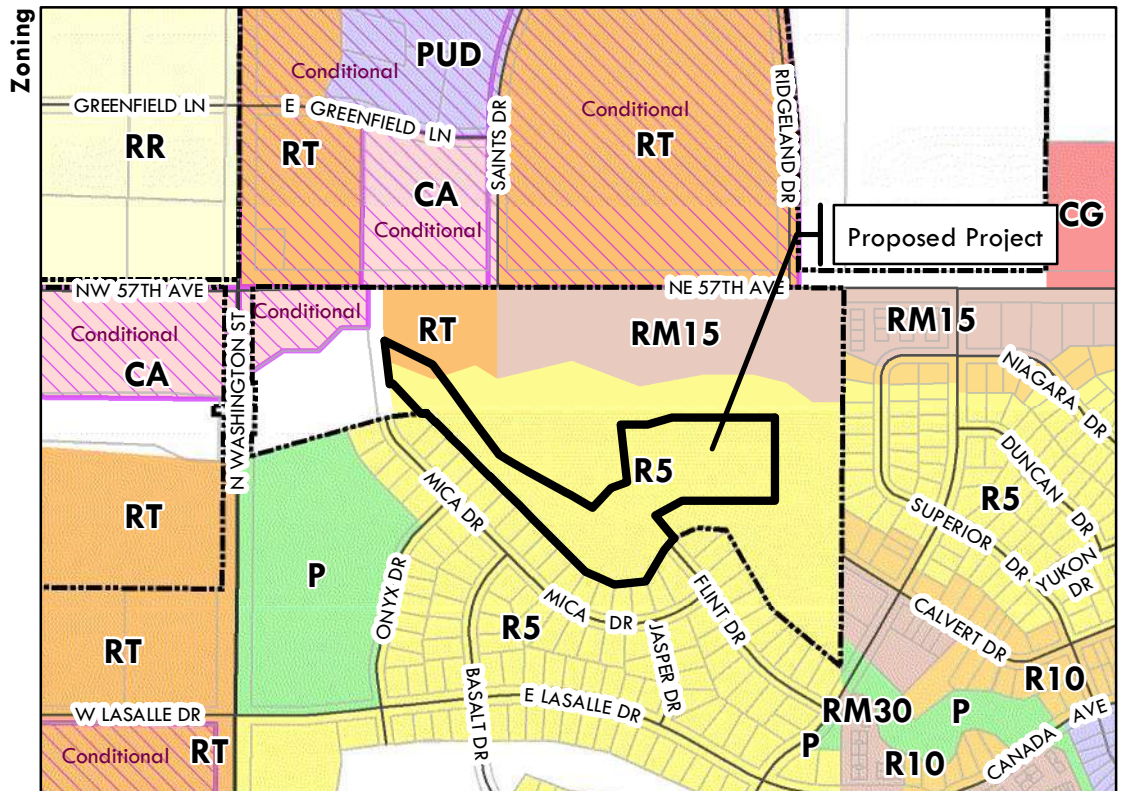
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
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C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
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LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



0 0.125 0.25 0.5 Miles

City Limits

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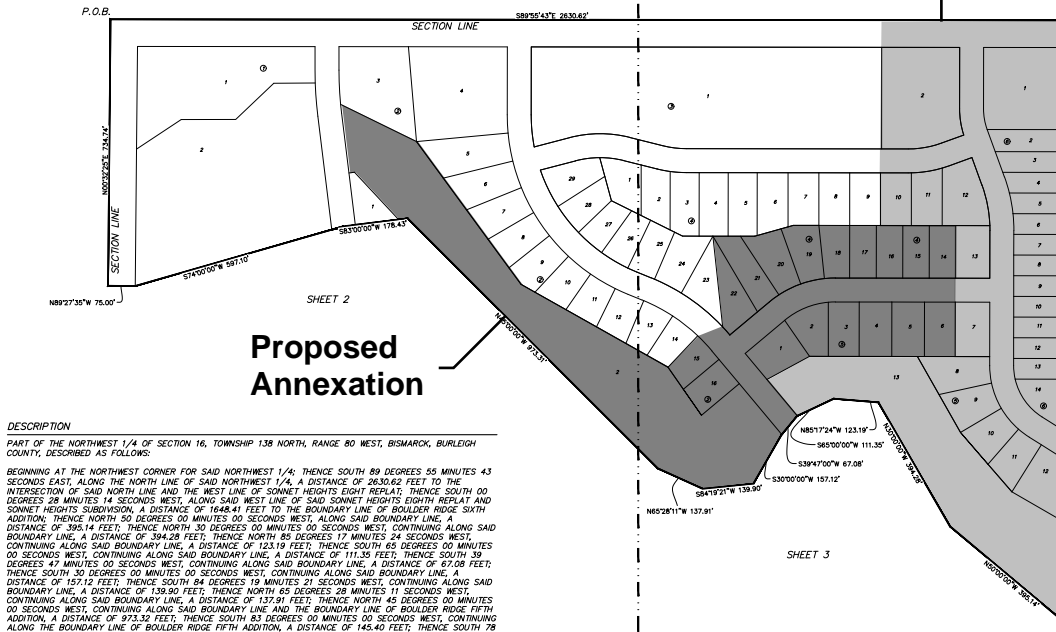
City of Bismarck
Community Development Dept.
Planning Division
January 14, 2020

BOULDER RIDGE SEVENTH ADDITION

PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

Annexation -
Approved 7/2019



DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER FOR SAID NORTHWEST 1/4, THENCE SOUTH 89 DEGREES 55 MINUTES 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 2630.62 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST LINE OF SONNET HEIGHTS EIGHT REPLAT; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG SAID WEST LINE OF SAID SONNET HEIGHTS EIGHT REPLAT AND SONNET HEIGHTS SUBDIVISION, A DISTANCE OF 1648.41 FEET TO THE BOUNDARY LINE OF BOULDER RIDGE SIXTH ADDITION; THENCE NORTH 50 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID BOUNDARY LINE A DISTANCE OF 395.14 FEET; THENCE NORTH 30 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 394.28 FEET; THENCE NORTH 85 DEGREES 17 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 123.19 FEET; THENCE SOUTH 65 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 111.35 FEET; THENCE SOUTH 39 DEGREES 47 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 67.08 FEET; THENCE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 127.12 FEET; THENCE SOUTH 84 DEGREES 19 MINUTES 21 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 139.90 FEET; THENCE NORTH 65 DEGREES 28 MINUTES 11 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 137.91 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE AND THE BOUNDARY LINE OF BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 973.32 FEET; THENCE SOUTH 83 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG THE BOUNDARY LINE OF BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 145.40 FEET; THENCE SOUTH 78 DEGREES 28 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE AND THE BOUNDARY LINE OF LIBERTY ADDITION, A DISTANCE OF 66.21 FEET; THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG THE BOUNDARY LINE OF LIBERTY ADDITION, A DISTANCE OF 563.72 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 75.00 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4; THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 734.74 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,570,119 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 07/20/2019, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 07/20/2019, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 07/20/2019.

GABRIEL J. SCHELL
CITY ENGINEER

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BOULDER RIDGE SEVENTH ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT FIVE GUYS INVESTMENTS, LLP, AND THE CITY OF BISMARCK, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BOULDER RIDGE SEVENTH ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERE TO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

FIVE GUYS INVESTMENT, LLP
101 SLATE DR.
BISMARCK, ND 58503
OWNER, ALL LOTS EXCEPTING LOT 2 BLOCK 1

ON THIS 07/20/2019 DAY OF JULY, 2019, BEFORE ME PERSONALLY APPEARED OF THE CITY OF BISMARCK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

CITY OF BISMARCK
221 N. 5TH ST.
BISMARCK, ND 58501
OWNER, LOT 2 BLOCK 1

ON THIS 07/20/2019 DAY OF JULY, 2019, BEFORE ME PERSONALLY APPEARED OF THE CITY OF BISMARCK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COUNTY: BURLEIGH
FLOOD INSURANCE POLICY NUMBER 38053007850
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION
APPROXIMATELY 1860-1824.5 (NAVD 88)

NOTES

BASES OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

N-A= NON-ACCESS

THE EAST LINE OF THE NW 1/4 FOR THIS PLAT IS
DEFINED AS BEING THE WEST LINE OF SONNET
HEIGHTS SUBDIVISION AND SONNET HEIGHTS EIGHTH
REPLAT. THE NORTH LINE OF SAID NW 1/4 IS
DEFINED AS BEING THE SOUTH LINE OF DAYBREAK
MEDICAL ADDITION AND LIGHT OF CHRIST ADDITION



AUGUST 20, 2019

AREA DATA

LOTS	1,893,814 SF 43.77 ACRES
STREETS	5,900 SF 0.13 ACRES
TOTAL	1,899,714 SF 43.90 ACRES



SWENSON, HAGEN & COMPANY P.C.

909 BASIN AVENUE
BISMARCK, NORTH DAKOTA 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7
January 22, 2020

Application for: Zoning Change

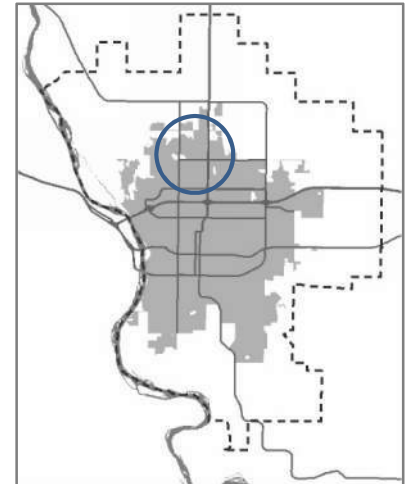
Major Subdivision Final Plat

TRAKiT Project ID: ZC2019-007

FPLT2019-007

Project Summary

Title:	Cooperative Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Capital Electric Cooperative, Inc. Basin Electric Power Cooperative
Project Contact:	Rob Illg, PLS, SEH
Location:	In north Bismarck, west of US Highway 83/State Street between Coleman Street and Lockport Street, along the south side of 43 rd Avenue NE (part of the NE¼ of Section 21, T139N-R80W/Hay Creek Township)
Project Size:	5.54 acres
Request:	Plat and rezone property for future development



Site Information

Existing Conditions

Number of Lots:	1 parcel
Land Use:	Undeveloped, existing telecommunications building and tower
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	A – Agricultural
Uses Allowed:	A – Agriculture
Max Density Allowed:	A – 1 unit / 40 acres

Proposed Conditions

Number of Lots:	2 lots in 1 block
Land Use:	Offices, multi-family residential and telecommunications building and tower
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential
Max Density Allowed:	RT – 30 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	03/2016
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Staff Analysis

Capital Electric Cooperative, Inc. and Basin Electric Power Cooperative are requesting approval of a zoning change from the A – Agriculture zoning district to the RT – Residential zoning district and a major subdivision final plat for Cooperative Addition.

The Planning and Zoning Commission, at their meeting of September 25, 2019, tentatively approved the preliminary plat and called for a public hearing for the proposed zoning change.

Adjacent uses include commercial uses to the north, single-family and multi-family residential to the east, single-family residential to the south and undeveloped RT – Residential and RM15 – Residential zoned property to the west.

Three existing city streets (Dominion Street, Mahone Avenue and Lambton Avenue) terminate adjacent to the proposed plat. Non-access lines have been placed at the termination of Mahone Avenue and Lambton Avenue. The northern lot would be accessed from the north along 43rd Avenue NE. Access to this lot may be restricted to a right-in / right-out access in the future. The southern lot would be accessed from Dominion Street to the south.

As of February 1, 2019, the creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to the recordation of the proposed plat.

The proposed plat will include 2 lots in 1 block. There is an existing telecommunications tower and ancillary storage building on the southern lot. If approved as proposed, the proposed plat would be zoned RT – Residential and would be developed according to the uses permitted within the RT – Residential zoning district. If the northern lot develops as multi-family residential, the provisions of the Neighborhood Parks and Open Space Policy would apply.

Required Findings of Fact (relating to land use)*Zoning Change*

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;

(continued)

4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP), with the understanding that at the time of site development of either lot in the proposed plat, the developer is required to provide a comprehensive Stormwater Management Plan for the lot being developed;
5. The requirements of the neighborhood parks and open space policy is not required at this time, if the property develops as residential, the provisions of the Neighborhood Parks and Open Space Policy would apply;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the RT – Residential zoning district and the major subdivision final plat for Cooperative Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat

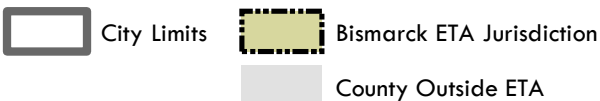
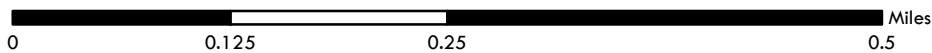
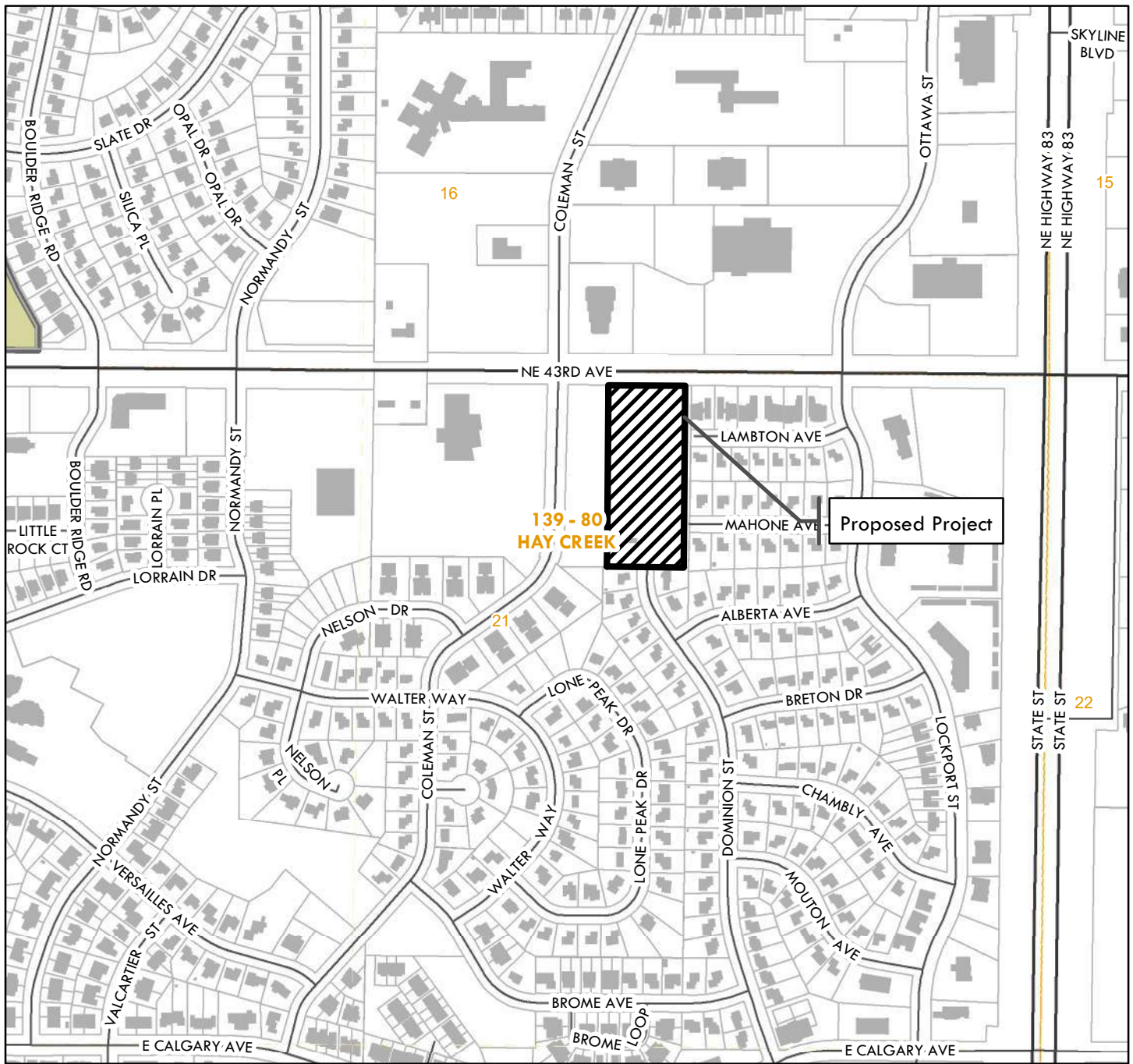
Staff report prepared by: Jenny Wollmuth, AICP, CFM | Planner
701-355-1845 | jlwollmuth@bismarcknd.gov



Location Map

Cooperative Addition

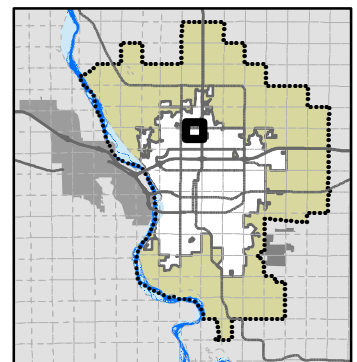
PPLT2019-005
ZC2019-007



Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
September 17, 2019 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

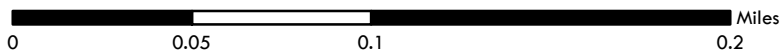




Aerial Map

Cooperative Addition

PPLT2019-005
ZC2019-007

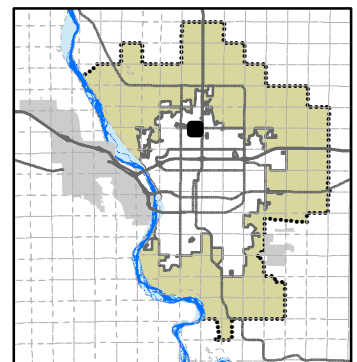


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
September 20, 2019

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Zoning and Plan Reference Map

Cooperative Addition

ZC2019-007
PPLT2019-005

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

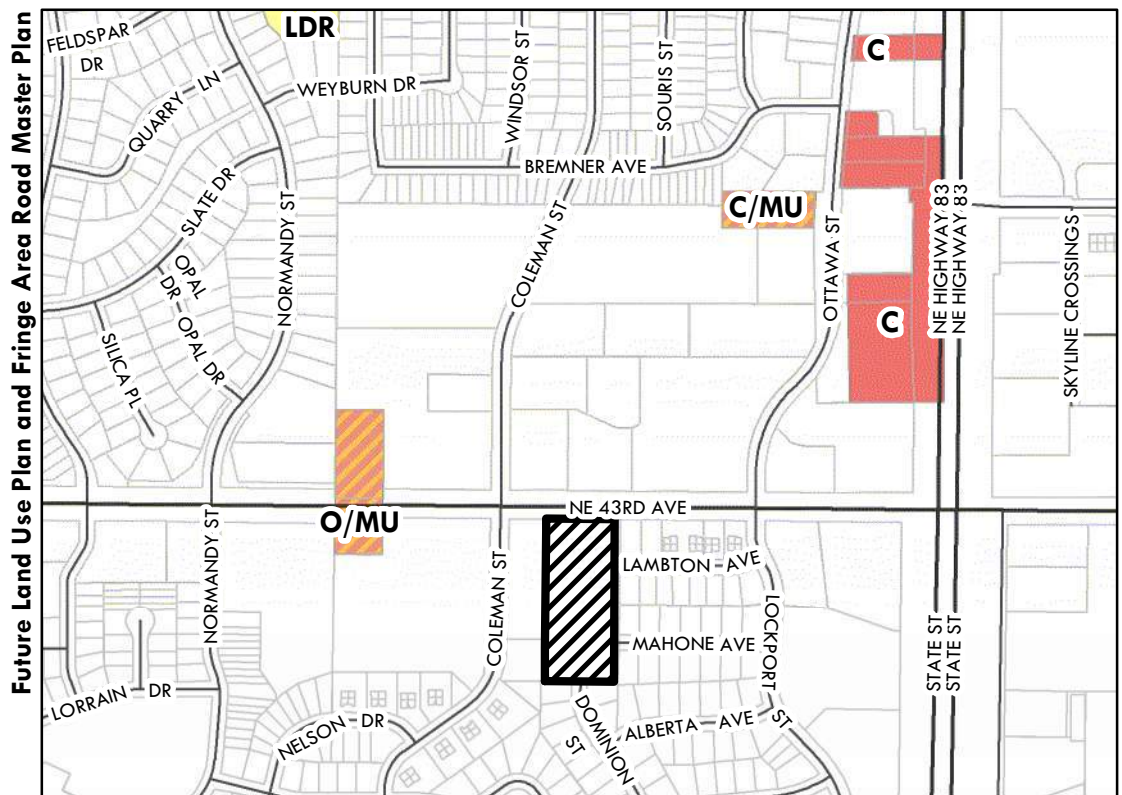
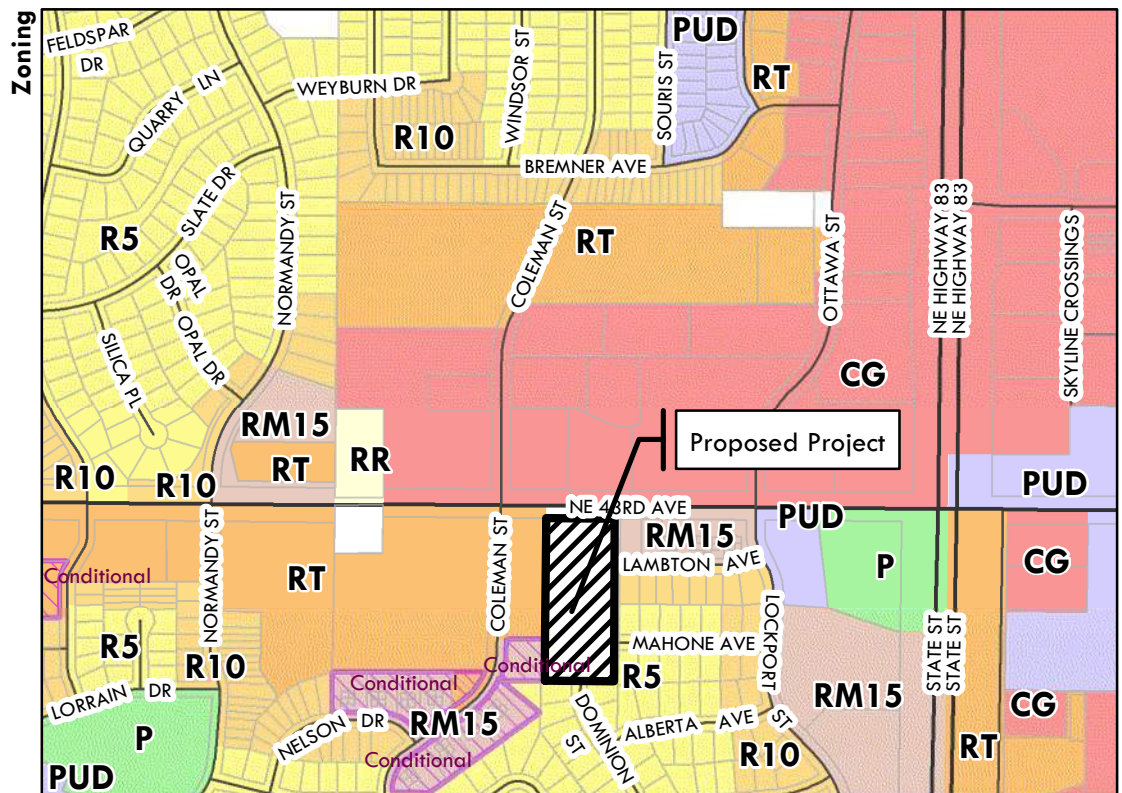
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- ● ● ● Planned Arterial
- ● ● ● Planned Collector



0 0.125 0.25 0.5 Miles

City Limits

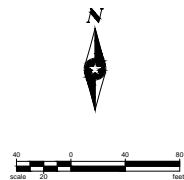
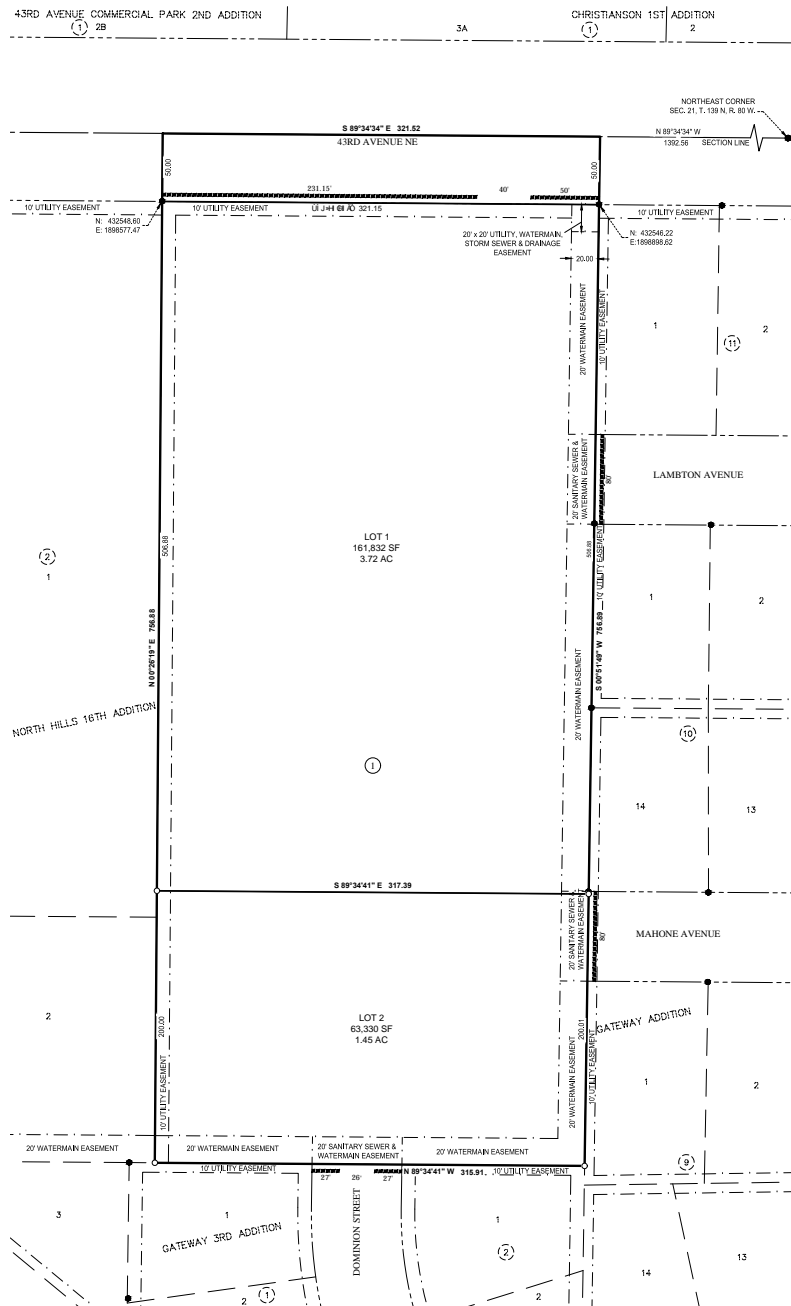
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City of Bismarck
Community Development Dept.
Planning Division
September 17, 2019

COOPERATIVE ADDITION

Part of the Northeast Quarter of Section 21, Township 139 North, Range 80 West
of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



- LEGEND:**
- FOUND MONUMENT
 - REBAR W/ CAP IS 8444
 - PLAT BOUNDARY
 - NON ACCESS LINE
 - - - UTILITY EASEMENT
 - - - ADJACENT LOT LINE
 - SECTION LINE

AREA TABULATIONS:

2 Lots	=	225,163 SF	=	5.172 Acres
Right of Way	=	16,067 SF	=	0.372 Acres
Total	=	241,230 SF	=	5.544 Acres

BASIS OF BEARING:
Derived from state plane coordinates.

COORDINATE DATUM:
North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units

VERTICAL DATUM:
National Geodetic Vertical Datum 29
City Hydrant 1966
DOMINION STREET 1ST NORTH OF ALBERTA DRIVE
(WEST SIDE) Elevation = 1913.89

OWNERS:
Capital Electric Cooperative, Inc.
4111 State Street
Bismarck, ND 58503

SURVEYOR:
SEIT, ROBERT M. Big, PLS
4715 Shelburne St.
Bismarck, ND 58503

SURVEYED:
07/16/19

DESCRIPTION:

Part of the Northeast Quarter of Section 21, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota consisting of tracts described on Deed of Record 275 filed as document number 139592, Deed of Record 331 filed as document number 182439 and a Quit Claim Deed filed as document number 27762 in the office of the county recorder, and being more particularly described as follows:

Commencing at the Northeast Corner of said Section 21, thence North 89 degrees 34 minutes 34 seconds West along the north line of said Section 21, a distance of 1392.56 feet to the northwest corner of GATEWAY ADDITION, said point being the point of beginning, thence South 00 degrees 51 minutes 49 seconds West along the west line of GATEWAY ADDITION 756.89 feet to the northeast corner of GATEWAY THIRD ADDITION, thence North 89 degrees 34 minutes 41 seconds West along the north line of GATEWAY THIRD ADDITION 315.91 feet to the southeast corner of Lot 2, Block 2, NORTH HILLS SIXTEENTH ADDITION, thence North 00 degrees 29 minutes 19 seconds East along the east line of NORTH HILLS SIXTEENTH ADDITION 756.88 feet to the north line of said Section 21, thence South 89 degrees 34 minutes 34 seconds East along said north line 321.52 feet to the Point of Beginning.

Containing 5.54 acres, more or less.

OWNER'S CERTIFICATE AND DEDICATION

Capital Electric Cooperative, Inc. being all the owners of the lands platted herein, do hereby voluntarily consent to the execution of this plat titled COOPERATIVE ADDITION, and dedicate and rededicate all rights of way as shown on this plat for public use, and consent to any access control to the property as shown.

We also dedicate easements TO THE City Of Bismarck to run with the land for gas, electric, telephone or other public utilities or services on or under those certain strips of land designated hereon as utility, sanitary sewer, storm sewer, drainage and watermain easements.

We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Richard Koski, Board President
Capital Electric Cooperative, Inc.

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH

Be it known on this _____ day of _____, 20____, before me personally appeared Richard Koski, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

Notary Public, Burleigh County, North Dakota

My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

I, Robert M. Big, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on July 16th, 2019, that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and geodetic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

ROBERT M. BIG
Registered Professional Land Surveyor
License No. LS-8444

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH



APPROVAL OF CITY PLANNING AND ZONING COMMISSION

The subdivision of land as shown hereon has been approved by the Planning and Zoning Commission of the City of Bismarck, on the _____ day of _____, 20____, in accordance with the laws of the State of North Dakota, ordinances of the City of Bismarck and regulations adopted by said Planning and Zoning Commission. In witness whereof are set the hands and seals of the Chairman and the Secretary of the Planning and Zoning Commission of the City of Bismarck.

Mike Schwartz
Chairman

Jim J. Bureth
Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

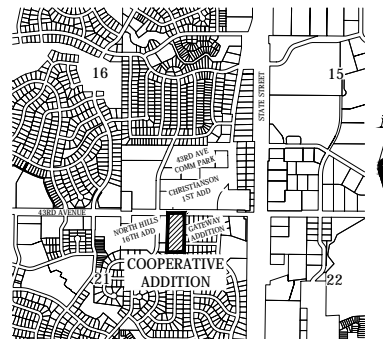
The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown hereon and does hereby vacate any previous platting within the boundary of the annexed plat and amends the master plan for the City of Bismarck on the _____ day of _____, 20____.

Attest:
Keith L. Bunko, City Administrator

APPROVAL OF CITY ENGINEER

I, Gabriel J. Scheil, City Engineer of the City of Bismarck, North Dakota, hereby approve "COOPERATIVE ADDITION" Bismarck, North Dakota, as shown hereon.

Gabriel J. Scheil - City Engineer



VICINITY MAP
NOT TO SCALE



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

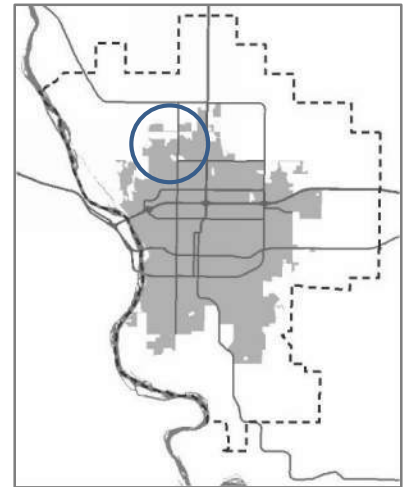
Agenda Item # 8
January 22, 2020

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2019-005

Project Summary

Title:	Daybreak Medical Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	57 North Investors, LLP Greenfield Commons, LLC
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In north Bismarck, north of 57 th Avenue NE and east of North Washington Street, in the northwest quadrant of the intersection of East Greenfield Drive and Saints Drive (a replat of all of Block 2, Daybreak Medical Addition)
Project Size:	16.59 acres
Request:	Replat property for continued mixed use development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	4 parcels in 1 block	Number of Lots:	7 lots in 1 block
Land Use:	Mixed use; office, commercial & residential	Land Use:	Mixed use office, commercial & residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential PUD – Planned Unit Development	Zoning:	RT – Residential PUD – Planned Unit Development
Uses Allowed:	RT – Office and multi-family PUD – Uses specified in PUD	Uses Allowed:	RT – Office and multi-family PUD – Uses specified in PUD
Max Density Allowed:	RT – 30 units / acre PUD – Density specified in PUD	Max Density Allowed:	RT – 30 units / acre PUD – Density specified in PUD

Property History

Zoned:	Lot 1 – 12/2017 (RT) Remaining – 07/2018 (PUD)	Platted:	12/2017	Annexed:	12/2017
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Staff Analysis

57 North Investors, LLP and Greenfield Commons, LLC are requesting approval of a minor subdivision final plat for Daybreak Medical Addition First Replat.

If approved as proposed, the minor plat would better align lot lines for the continued development of a mix of residential, commercial and office uses. The property is partially developed; Bismarck Surgical Associates is located on Lot 1, and there are 2 mixed use buildings currently being constructed on Lot 6 of the proposed plat.

Adjacent land uses include undeveloped agricultural land to the north, St. Mary's High School and related facilities to the east, existing rural residential properties to the west across North Washington Street and undeveloped property to the south across 57th Avenue NE.

Lot 1 is zoned RT – Residential and Lots 2-7 of the proposed plat are zoned PUD – Planned Unit Development. The applicants have indicated that upon approval of the proposed plat, Lots 2 and 3, Block 1 and Lots 4 and 5, Block 1 will be combined into two separate parcels for ownership purposes, as there are multiple owners within the development.

As of February 1, 2019, the creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Public Works Department – Utility Operation Division have determined that utility capital charges will be due prior to the recordation of the proposed plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with the understanding that additional development of the property will require a more detailed stormwater management plan during site plan review;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval the minor subdivision final plat for Daybreak Medical Addition First Replat.

Attachments

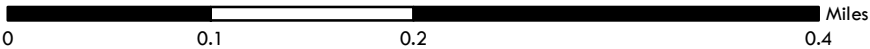
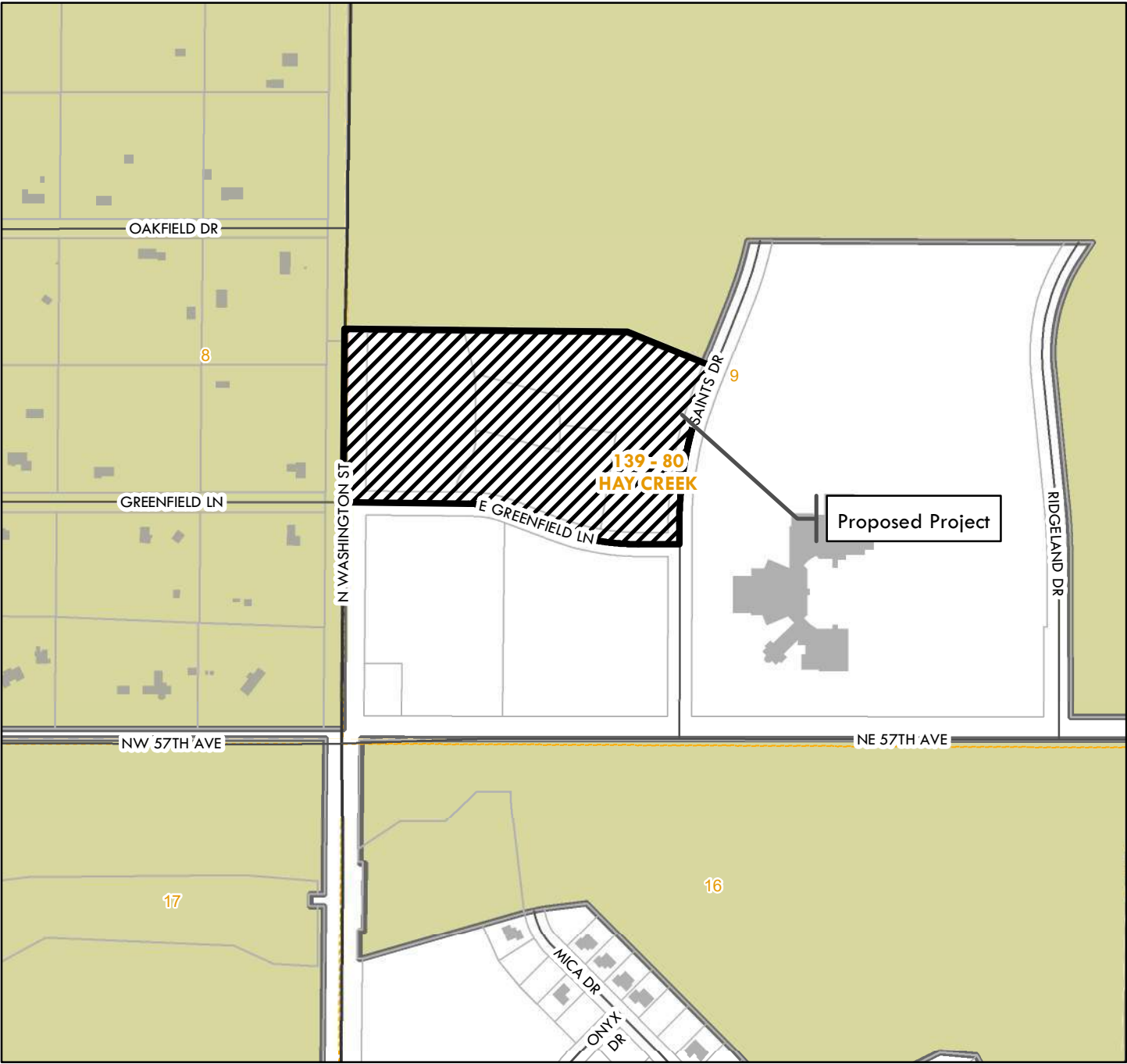
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



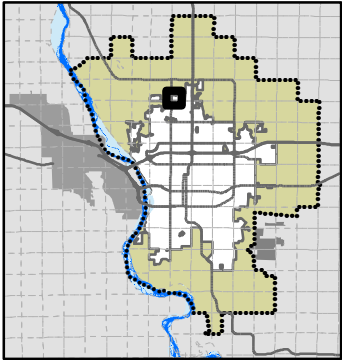
Location Map
Daybreak Medical Addition First Replat

MPLT2019-005



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
December 23, 2019 (HLB)

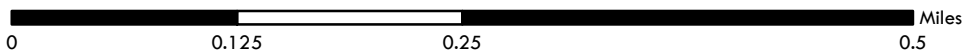
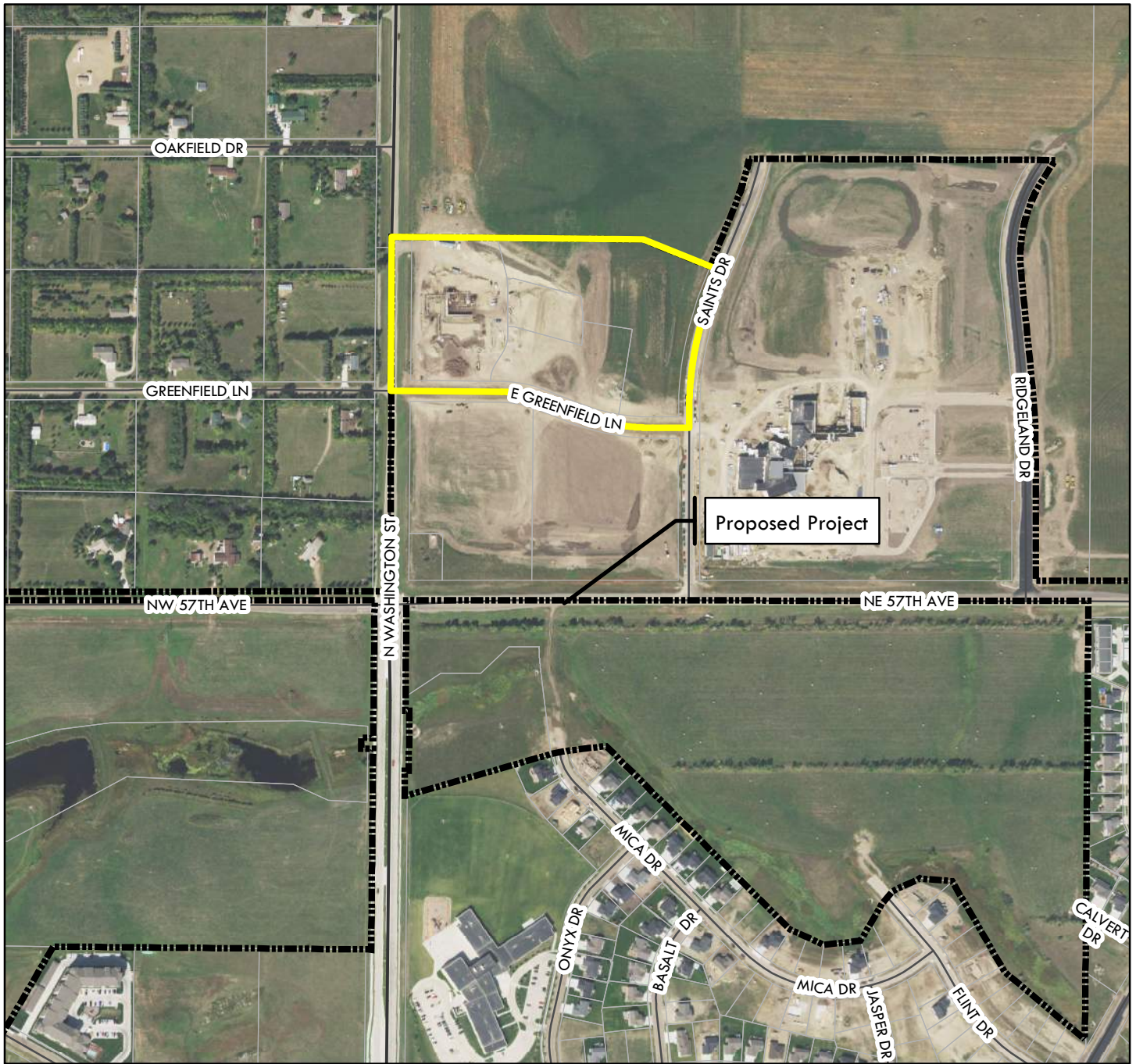
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Aerial Map

MPLT2019-005

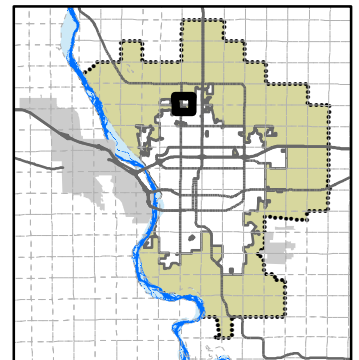
Daybreak Medical Addition First Replat



 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
January 16, 2020



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Zoning and Plan Reference Map

Daybreak Medical Addition First Replat

MPLT2019-005

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

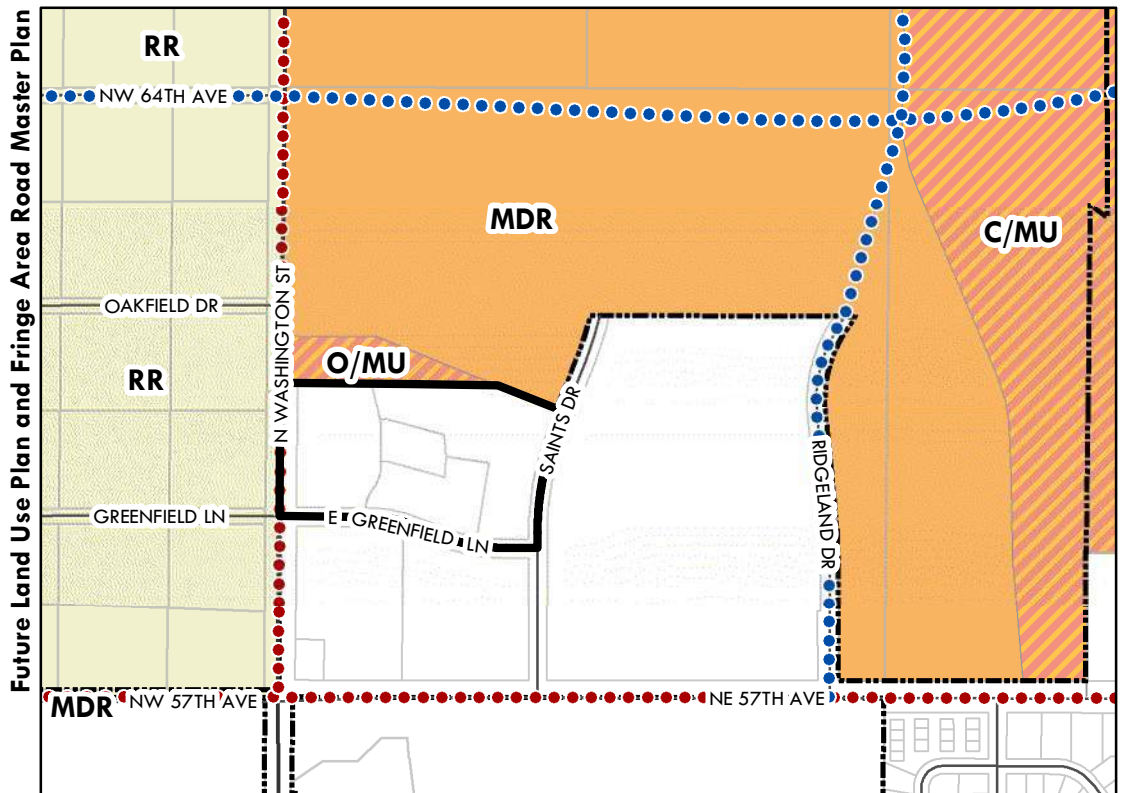
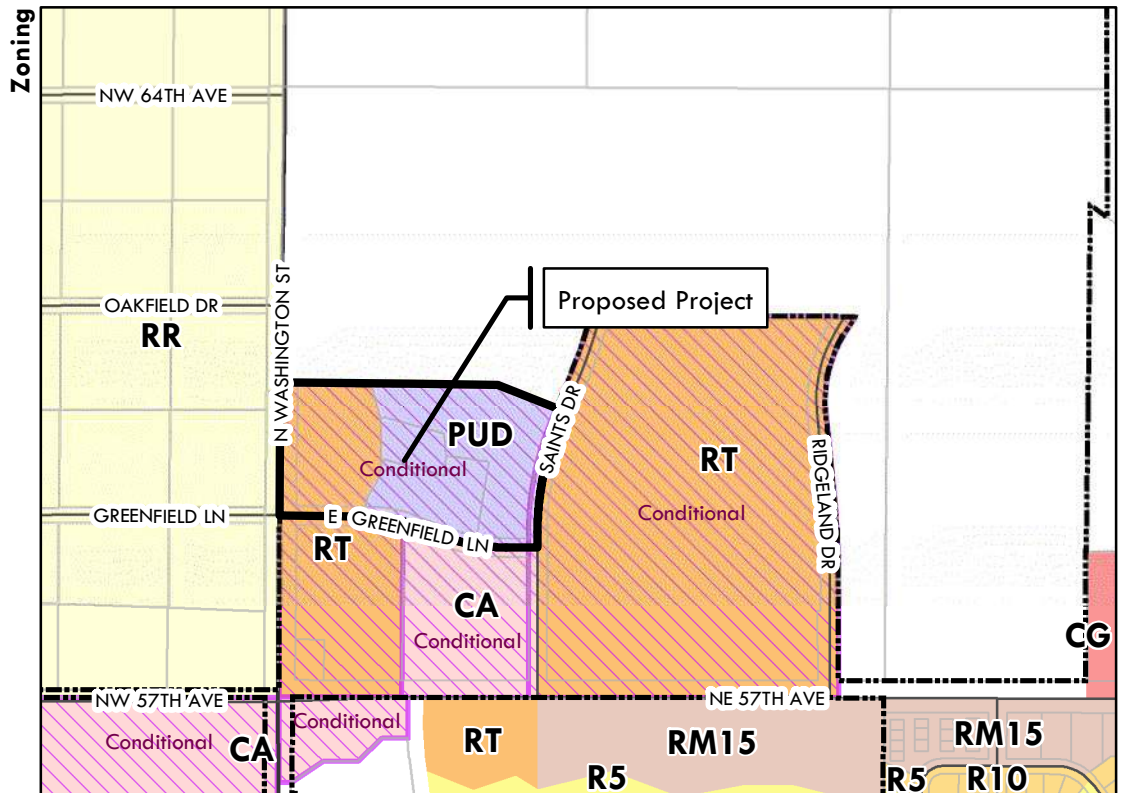
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



0 0.125 0.25 0.5 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
January 16, 2020

DESCRIPTION

BEING A REPLAT OF ALL OF BLOCK 2 DAYBREAK MEDICAL ADDITION AND PARTS OF NORTH WASHINGTON STREET, EAST GREENFIELD LANE, AND SAINTS DRIVE RIGHTS-OF-WAY, PART OF THE SW 1/4 OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST

BEGINNING AT THE NORTHWEST CORNER OF SAID DAYBREAK MEDICAL ADDITION; THENCE SOUTH 89 DEGREES 23 MINUTES 43 SECONDS EAST, ALONG THE BOUNDARY OF SAID DAYBREAK MEDICAL ADDITION, A DISTANCE OF 943.78 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 32 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 312.68 FEET TO THE CENTERLINE OF SAINTS DRIVE RIGHT-OF-WAY; THENCE SOUTH 21 DEGREES 18 MINUTES 28 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY AND SAID CENTERLINE, A DISTANCE OF 80.51 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND SAID CENTERLINE, ON A 1000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 458.14 FEET; THENCE SOUTH 60 DEGREES 04 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY AND SAID CENTERLINE, A DISTANCE OF 68.82 FEET TO THE CENTERLINE OF EAST GREENFIELD LANE RIGHT-OF-WAY; THENCE NORTH 59 DEGREES 56 MINUTES 00 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 137.11 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 800.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 295.67 FEET; THENCE NORTH 68 DEGREES 42 MINUTES 27 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 146.20 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 400.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 144.08 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 43 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 418.53 FEET TO THE BOUNDARY OF SAID DAYBREAK MEDICAL ADDITION AND THE WEST LINE OF SAID SECTION 9; THENCE NORTH 00 DEGREES 28 MINUTES 43 SECONDS EAST, ALONG SAID BOUNDARY AND SAID WEST LINE, A DISTANCE OF 578.24 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 16.59 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 01/09/2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 01/09/2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST
BETH EURETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN ADDITION TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 01/09/2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "DAYBREAK MEDICAL ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT 57 NORTH INVESTORS, LLP, GREENFIELD COMMONS, LLC, AND DENIS OLSON, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "DAYBREAK MEDICAL ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, COLLECTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

TODD A. NEISS
57 NORTH INVESTORS, LLP
525 N 9TH ST
BISMARCK, ND 58501

ON THIS 01/09/2020 DAY OF JANUARY, 2020, BEFORE ME PERSONALLY APPEARED TODD A. NEISS OF 57 NORTH INVESTORS, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

GREENFIELD COMMONS, LLC
400 10TH ST SE
MINOT, ND 58701

ON THIS 01/09/2020 DAY OF JANUARY, 2020, BEFORE ME PERSONALLY APPEARED DENIS OLSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

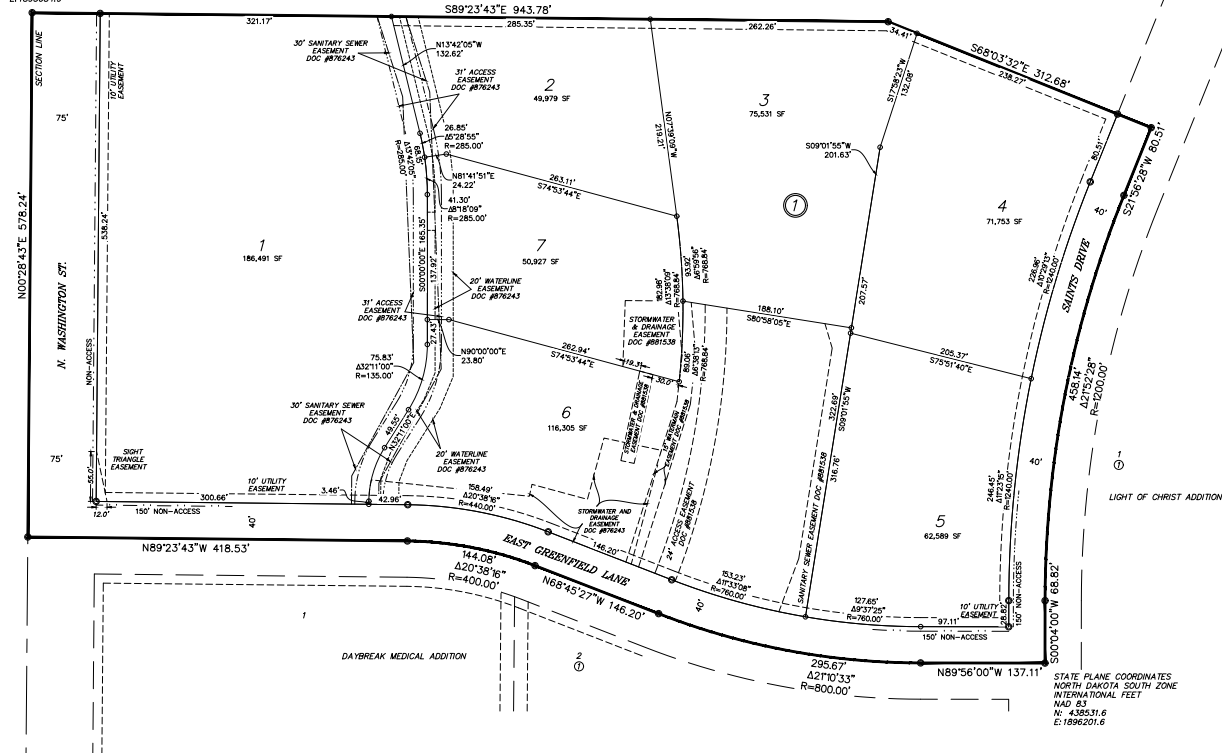
DENIS OLSON

ON THIS 01/09/2020 DAY OF JANUARY, 2020, BEFORE ME PERSONALLY APPEARED DENIS OLSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE PLANE COORDINATES
NORTH DAKOTA SOUTH ZONE
INTERNATIONAL FEET
NAD 83
N: 439248.9
E: 1895084.9

UNPLATTED SECTION 9-139-80



SCALE: 1"=60'

JANUARY 9, 2020

NGVD 29

MONUMENT IN PLACE

AREA DATA

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1018 105.235 S.E. 2.92 ACRES

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1016 105.235 S.E. 2.92 ACRES

1015 105.235 S.E. 2.92 ACRES

1014 105.235 S.E. 2.92 ACRES

1013 105.235 S.E. 2.92 ACRES

1012 105.235 S.E. 2.92 ACRES

1011 105.235 S.E. 2.92 ACRES

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1008 105.235 S.E. 2.92 ACRES

1007 105.235 S.E. 2.92 ACRES

1006 105.235 S.E. 2.92 ACRES

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM

NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

VERTICAL BENCHMARK:
HYD #2821 LOCATED AT NAGARA DR & CALVERT DR
ELEV: 1822.53

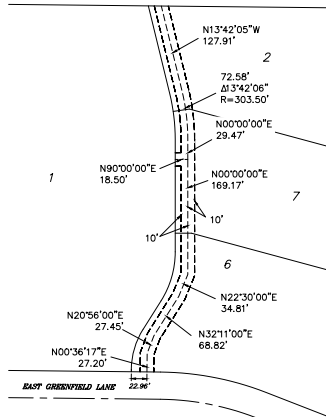
NOTE

DIMENSIONS FOR ACCESS EASEMENTS,
SANITARY SEWER EASEMENTS, WATERLINE
EASEMENTS, AND STORM WATER AND
DRAINAGE EASEMENTS ARE SHOWN ON
SHEET 2 OF 2

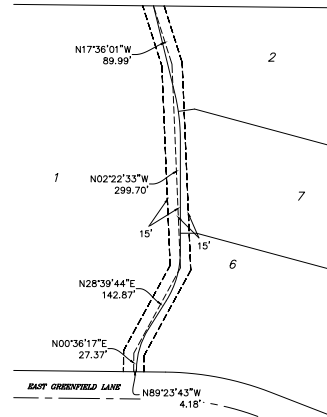
SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shung@swensonhagen.com
Phone (701) 223-1000
Fax (701) 223-1000
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

DAYBREAK MEDICAL ADDITION FIRST REPLAT

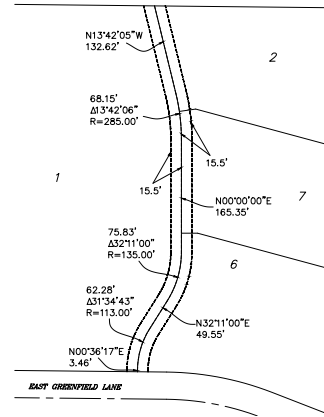
BEING A REPLAT OF ALL OF BLOCK 2 DAYBREAK MEDICAL
ADDITION AND PARTS OF
NORTH WASHINGTON STREET, EAST GREENFIELD LANE,
AND SAINTS DRIVE RIGHTS-OF-WAY
PART OF THE SW 1/4 OF
SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



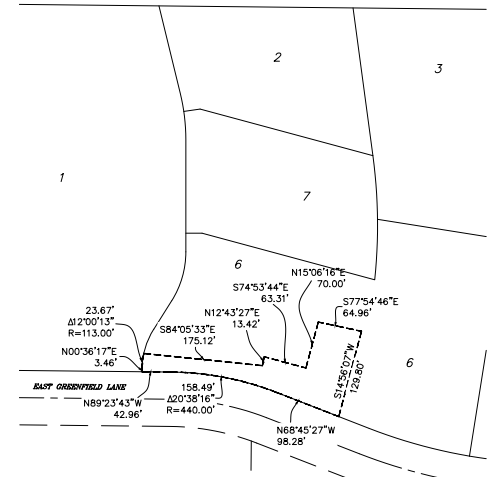
WATERMAIN EASEMENT DETAIL
DOC #876243



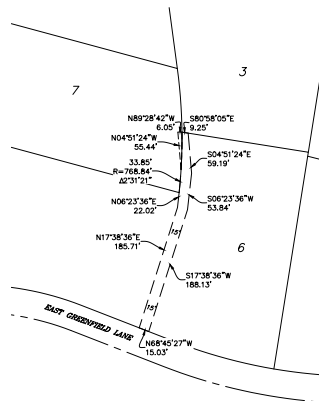
SANITARY SEWER EASEMENT DETAIL
DOC #876243



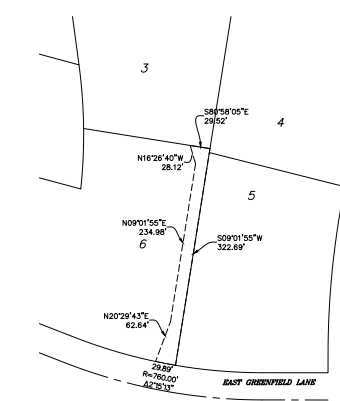
ACCESS EASEMENT DETAIL
DOC #876243



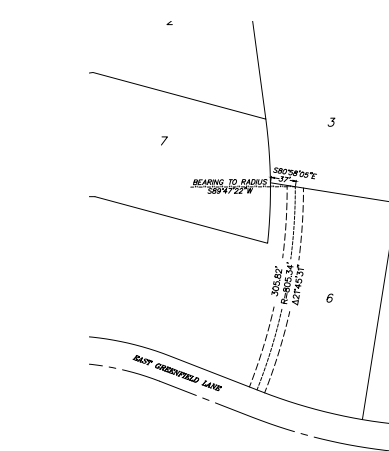
STORMWATER & DRAINAGE
EASEMENT DETAIL
DOC #876243



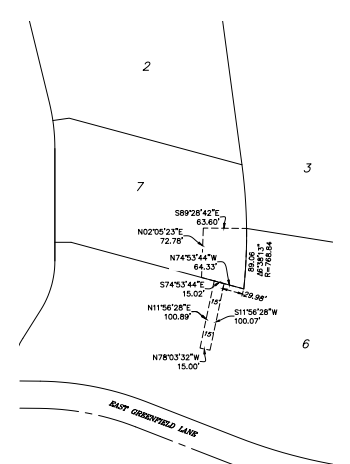
WATERMAIN EASEMENT DETAIL
DOC #881538



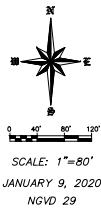
SANITARY SEWER EASEMENT DETAIL
DOC #881538



ACCESS EASEMENT DETAIL
DOC #881538



STORMWATER & DRAINAGE
EASEMENT DETAIL
DOC #881538



DESCRIPTION

BEING AUDITOR'S LOT F, PART OF SAINTS DRIVE RIGHT OF WAY, AND PART OF THE SW 1/4 OF SECTION 9 TOWNSHIP 139 NORTH RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SW 1/4, THENCE NORTH 00 DEGREES 28 MINUTES 43 SECONDS EAST, ALONG THE WEST LINE OF SAID SW 1/4, A DISTANCE OF 1364.76 FEET, THENCE NORTH 89 DEGREES 23 MINUTES 43 SECONDS EAST, A DISTANCE OF 943.78 FEET, THENCE SOUTH 68 DEGREES 03 MINUTES 32 SECONDS EAST, A DISTANCE OF 312.68 FEET TO THE CENTERLINE OF SAINTS DRIVE RIGHT OF WAY, THENCE SOUTH 21 DEGREES 36 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 80.51 FEET, THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 1200.00 FOOT RADIAL CURVE, AN ARC LENGTH OF 458.14 FEET, THENCE SOUTH 00 DEGREES 04 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 717.66 FEET TO THE SOUTH LINE OF SAID SW 1/4, THENCE NORTH 89 DEGREES 55 MINUTES 42 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1127.33 FEET TO THE POINT OF BEGINNING, CONTAINING 1,543,047 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JANUARY 19, 2018, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

Terry Baltzer
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3395

ON THIS 1st DAY OF February, 2018, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Notary Public
Notary Public
State of North Dakota
My Commission Expires July 31, 2016

Carl D. Hokenstad
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES July 31, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 25th DAY OF September, 2017, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

Douglas M. Lee *Carl D. Hokenstad*
DOUGLAS M. LEE - CHAIRMAN CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN ADDITION TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 12th DAY OF December, 2017.

Keith J. Hunke
ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "DAYBREAK MEDICAL ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Gabriel J. Schell
GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT 57 NORTH INVESTORS, LLP AND MONTANA-DAKOTA UTILITIES CO., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "DAYBREAK MEDICAL ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THESE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

Kathleen J. Klabender
KATHLEEN J. KLABENDER
MANAGING PARTNER
57 NORTH INVESTORS, LLP
OWNER, LOTS 1 & 2 BLOCK 1
AND LOT 1 BLOCK 2

ON THIS 6th DAY OF February, 2018, BEFORE ME PERSONALLY APPEARED KATHLEEN J. KLABENDER, MANAGING PARTNER OF 57 NORTH INVESTORS, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Kathleen J. Klabender
KATHLEEN J. KLABENDER
Notary Public
State of North Dakota
My Commission Expires June 4, 2021

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

Jay Skabo
JAY SKABO
MONTANA-DAKOTA UTILITIES CO.
OWNER, LOT 3 BLOCK 1

ON THIS 9th DAY OF February, 2018, BEFORE ME PERSONALLY APPEARED JAY SKABO OF MDU CO., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

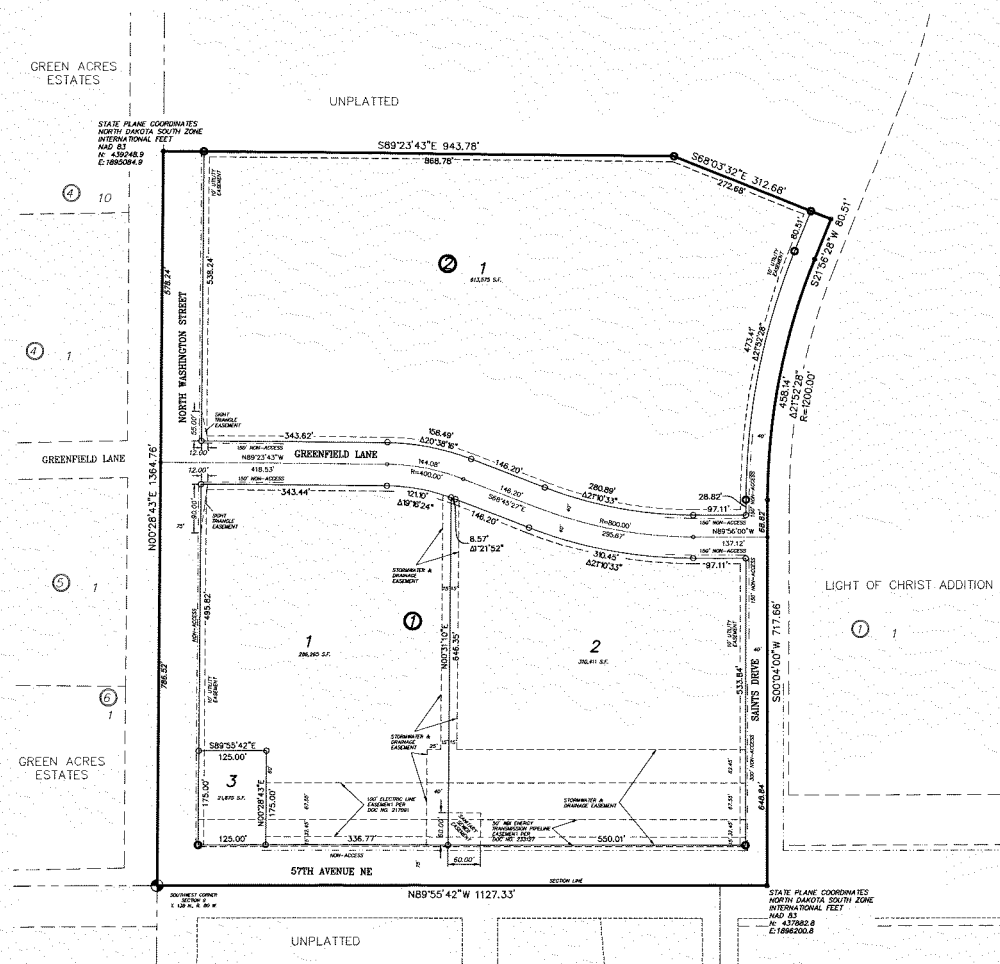
Jay Skabo
JAY SKABO
Notary Public
Burleigh County, North Dakota
My Commission Expires 12/31/18

Jay Skabo
JAY SKABO
MONTANA-DAKOTA UTILITIES CO.
OWNER, LOT 3 BLOCK 1
MY COMMISSION EXPIRES 12/31/18

DAYBREAK MEDICAL ADDITION

BEING AUDITOR'S LOT F, PART OF SAINTS DRIVE RIGHT OF WAY, AND PART OF THE SW 1/4 OF SECTION 9 TOWNSHIP 139 NORTH RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

**NOTES**

BASE OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

AREA DATA

LOTS	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
TOTAL	1,543,047 S.F. (35.41 ACRES)



SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
Phone (701) 323-2800
Fax (701) 323-2806
Services:
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

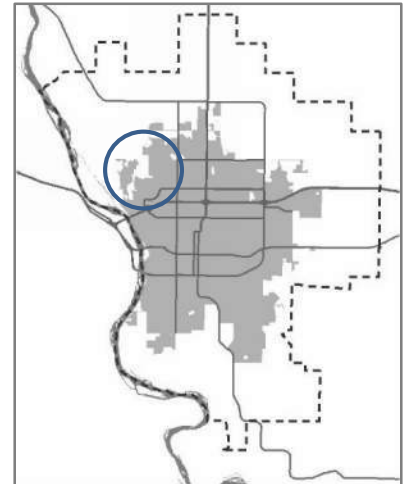
Agenda Item # 9
January 22, 2020

Application for: Future Land Use Plan Zoning Change

TRAKiT Project ID: FLUP2019-002
ZC2019-012

Project Summary

Title:	Part of Sections 18 & 19, Hay Creek Township
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Tyler Coulee, LLP (NE¼ of Section 19) Ron Knutson (SE¼ of Section 18)
Project Contact:	Lon Romsaas, PE, Swenson, Hagen & Co.
Location:	Northeast Bismarck, north of Valley Drive between the Promontory Point/Elk Ridge developments and the Eagle Crest development
Project Size:	136.0 acres, more or less
Request:	Amend the Future Land Use Plan to modify the boundary between the Low Density Residential and Conservation land use designations and rezone property to establish zoning for this area prior to platting, annexation and development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 unplatted tracts	Number of Lots:	2 unplatted tracts
Land Use:	Undeveloped	Land Use:	Low density residential
Designated GMP	Low Density Residential	Designated GMP	Low Density Residential
Future Land Use:	Conservation	Future Land Use:	Conservation
Zoning:	A – Agricultural	Zoning:	A – Agricultural R5 – Residential R10 – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	A – Agriculture R5 – Single-family residential R10 – Single and two-family residential
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	A – 1 unit / 40 acres R5 – 5 units / acre R10 – 10 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
--------	-----	----------	-----	----------	-----

Staff Analysis

Tyler Coulee, LLP and Ron Knutson are requesting approval of a Future Land Use Plan amendment to modify the boundary between the Low Density Residential and Conservation designations and approval of a zoning change from the A – Agricultural zoning district to the A – Agricultural, R5 – Residential, and R10 – Residential zoning districts in order to establish the zoning for this area prior to platting, annexation and development of the NE $\frac{1}{4}$ of Section 19 and part of the SE $\frac{1}{4}$ of Section 18, T138N-R80W/Hay Creek Township.

Adjacent uses include developing single-family residential to the north, east and west; undeveloped property to the northwest and undeveloped property along with a mix of single and two-family residential to the south.

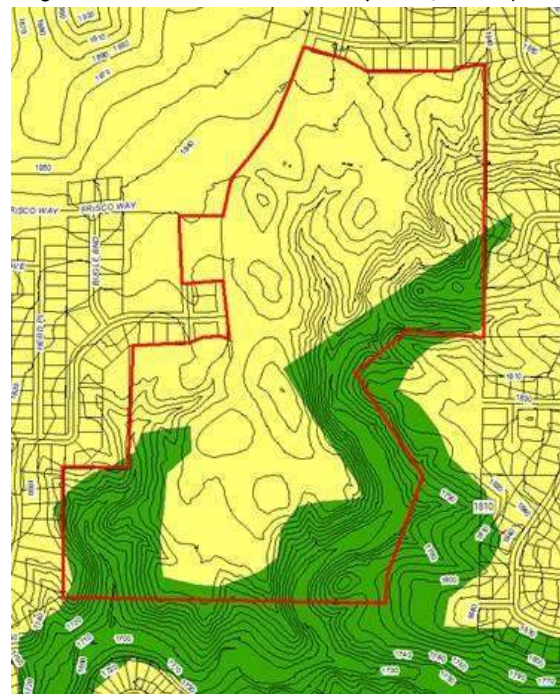
The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the Tyler Coulee area between Valley Drive and Ash Coulee Drive as Low Density Residential and Conservation. The boundary between the two designations was established through the digitization of a hand drawn map that designated future land uses on a more general basis. Staff now uses that map at a much finer level of detail than was originally intended. Because of the difference in the level of detail between the original hand drawn paper map and the current digital version, staff recognizes that the level of detail is not as refined as it would have been if it had it been prepared at the scale at which it is currently being used.

It should also be noted that a Regional Future Land Use Plan was prepared by the Metropolitan Planning Organization and adopted by the City of Bismarck in 2007. Although this plan was superseded by the current Future Land Use Plan in the 2014 Growth Management Plan, as amended, it does include a different boundary between the Urban Residential and Parks/Open Space/Greenways designations.

Future Land Use Plan (GMP 2014, as amended)



Regional Future Land Use Plan (MPO, 2007)



The future alignment of Tyler Parkway bisects this area, and is planned to be developed as a connecting roadway between Ash Coulee Drive and Valley Drive.

The modification to the Future Land Use Plan originally requested by the applicants was based on a potential future plat for the area rather than topography or slope stability. After the December Planning & Zoning Commission meeting, staff met with the applicants and their consulting engineer to discuss revisions to the proposed boundary between the Conservation and Low Density Residential land use designations that utilizes available topography and slope stability information. The boundary between the two districts now being requested is based on the results of a Geotechnical Evaluation Report prepared for the applicants by Braun Intertec Corporation (November 2019). Because the revised boundary is based on the findings of this Geotechnical Evaluation Report, staff believes the concerns raised in the previous staff report have been addressed.

The proposed zoning change from the A – Agricultural zoning district to the R5 – Residential and R10 – Residential zoning districts for the areas that would be designated as Low Density Residential originally requested by the applicants was also based on a potential future plat for the area. Because a plat is not being submitted for review at this time, staff cannot ensure that the areas identified as Conservation in Future Land Use Plan, if amended, would be protected with a slope protection easement. For that reason, the zoning request has been modified to follow the Future Land Use Plan, if amended, with the understanding that the area designated as Conservation would remain within the A – Agricultural zoning district until such time as the property is platted and annexed. Depending on the future ownership of the slope and stormwater conveyance areas, these areas could be rezoned to R5 – Residential or R10 – Residential in conjunction with platting as part of the adjoining lots (with a slope protection easement over them) or as P – Public if the property is to be owned by a public entity.

Required Findings of Fact

Future Land Use Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;
3. The Hay Creek Township Board of Supervisors has been informed of the proposed amendment but has not yet made a recommendation;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, if amended in conjunction with this zoning change amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has been informed of the proposed zoning change but has not yet made a recommendation;
5. The proposed zoning change is justified by a change in conditions since the previous zoning

(continued)

classification was established or by an error in the zoning map;

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the Future Land Use Plan Amendment to modify the boundary between the Conservation and Low Density Residential land use designations as shown on the attached exhibit and the zoning change from the A – Agricultural zoning district to the A –

Agricultural, R5 – Residential and R10 – Residential zoning districts as shown on the attached exhibit for part of the NE¼ of Section 19 and part of the SE¼ of Section 18, T138N-R80W/Hay Creek Township, with the understanding that staff would support rezoning of entire lots to R5- Residential or R10-Residential in conjunction with the future platting of the property, provided a slope protection easement is shown over that portion of the lots included in the Conservation designation in the Future Land Use Plan, as amended.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. FLUP Exhibit – Revised Request
5. Zoning Exhibit – Revised Request
6. FLUP Amendment Narrative
7. FLUP Exhibit – Original Request
8. Zoning Exhibit – Original Request

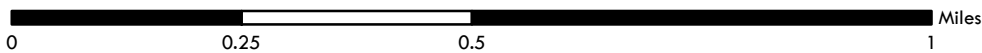
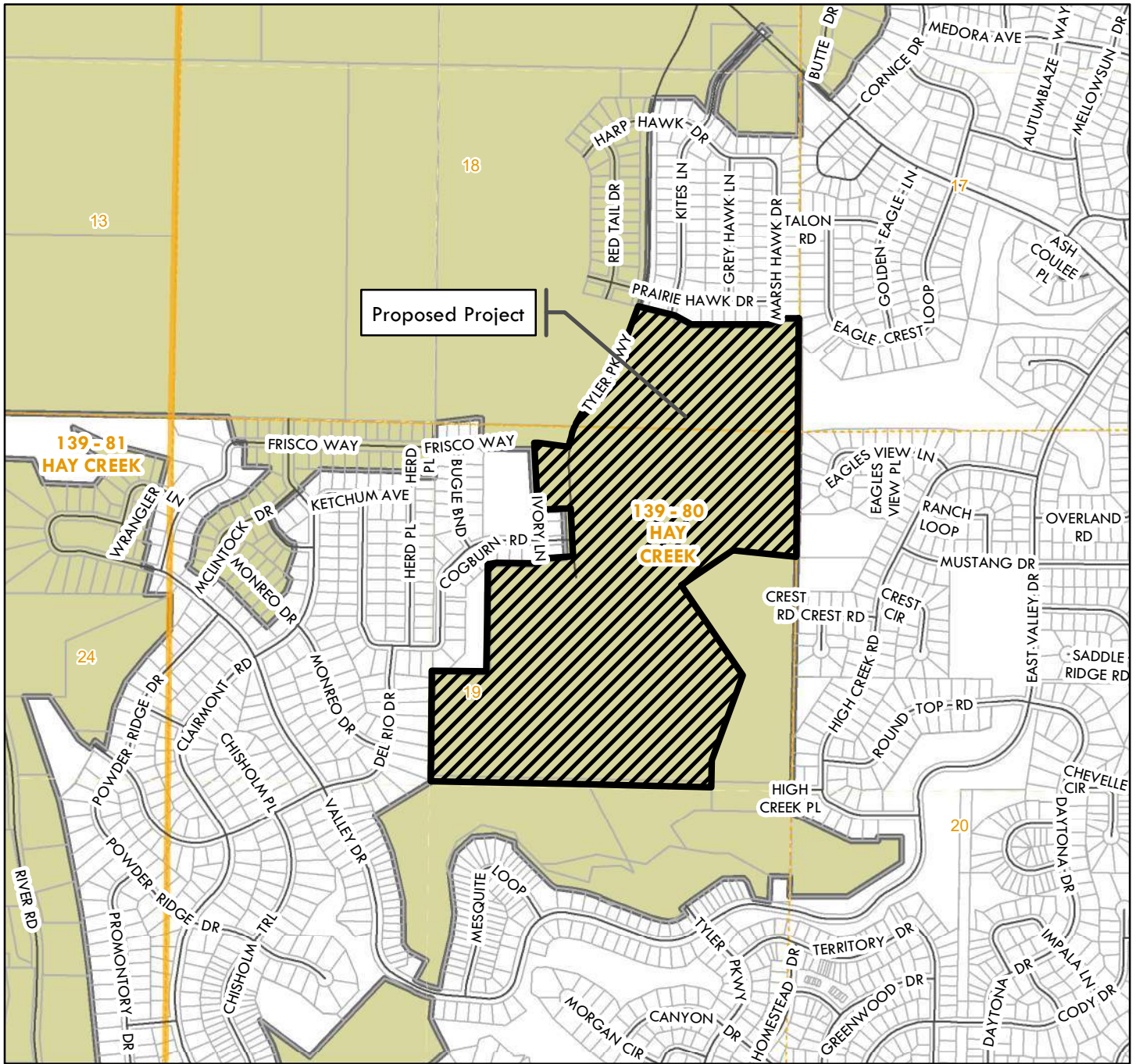
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



Location Map

Part of Sections 18 & 19, T139N-R80W/Hay Creek Township

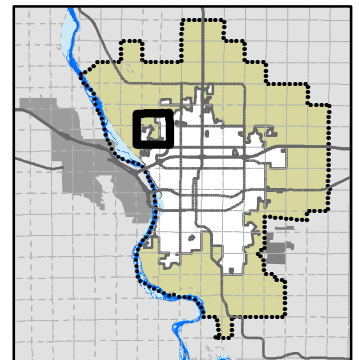
FLUP2019-002
ZC2019-012



Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
December 11, 2019 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

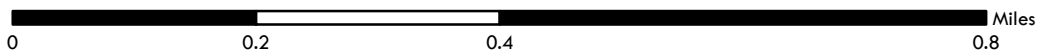
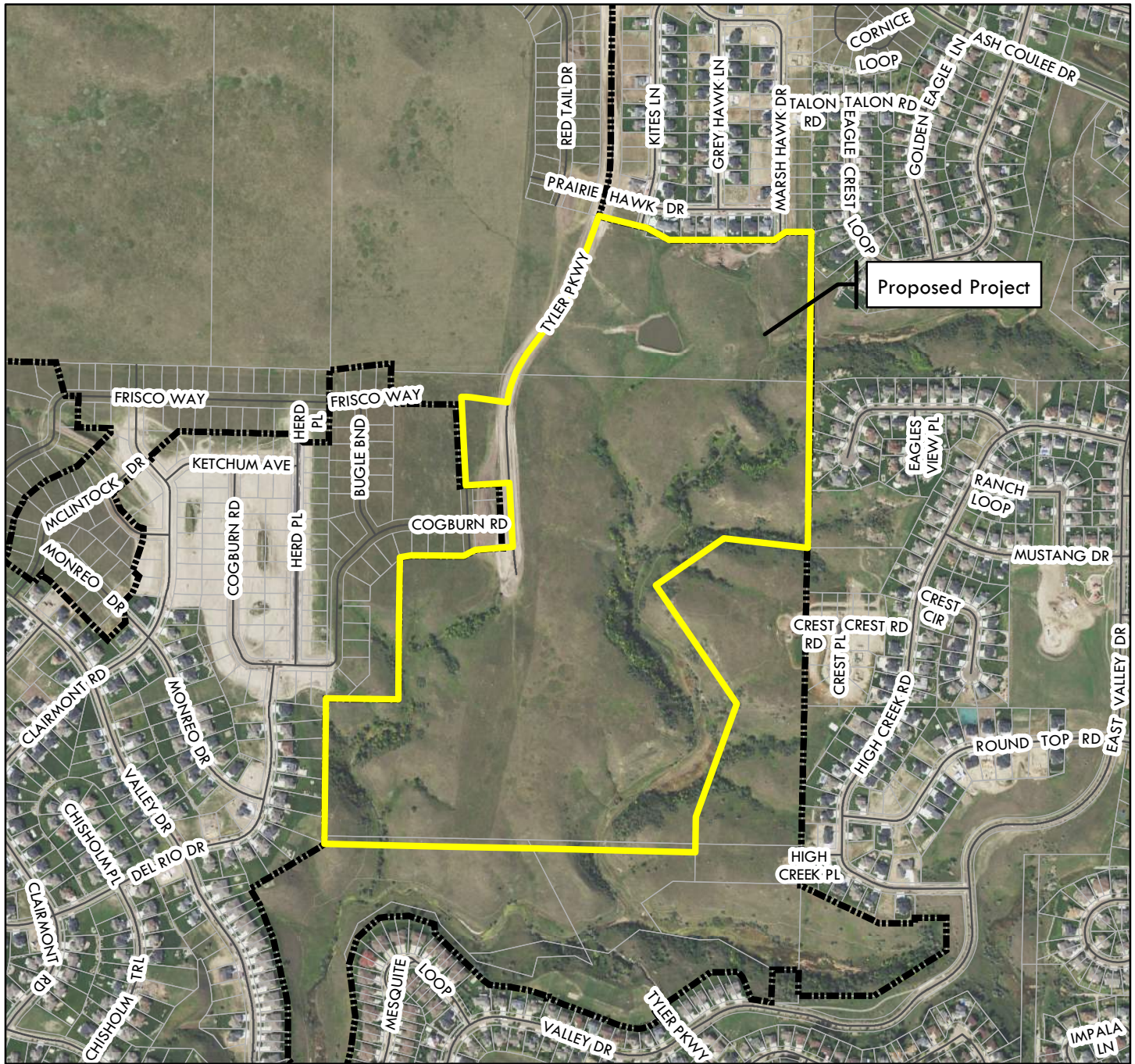




Aerial Map

Part of Sections 18 & 19, T139N-R80W/Hay Creek Township

FLUP2019-002
ZC2019-012

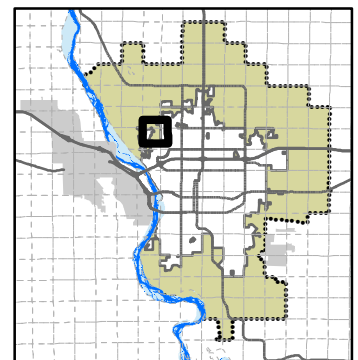


City Limits



Bismarck ETA Jurisdiction

Aerial Imagery from 2018



City of Bismarck
Community Development Department
Planning Division
December 12, 2019

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Zoning and Plan Reference Map

Part of Sections 18 & 19, T139N-R80W/Hay Creek Township

FLUP2019-002
ZC2019-012

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

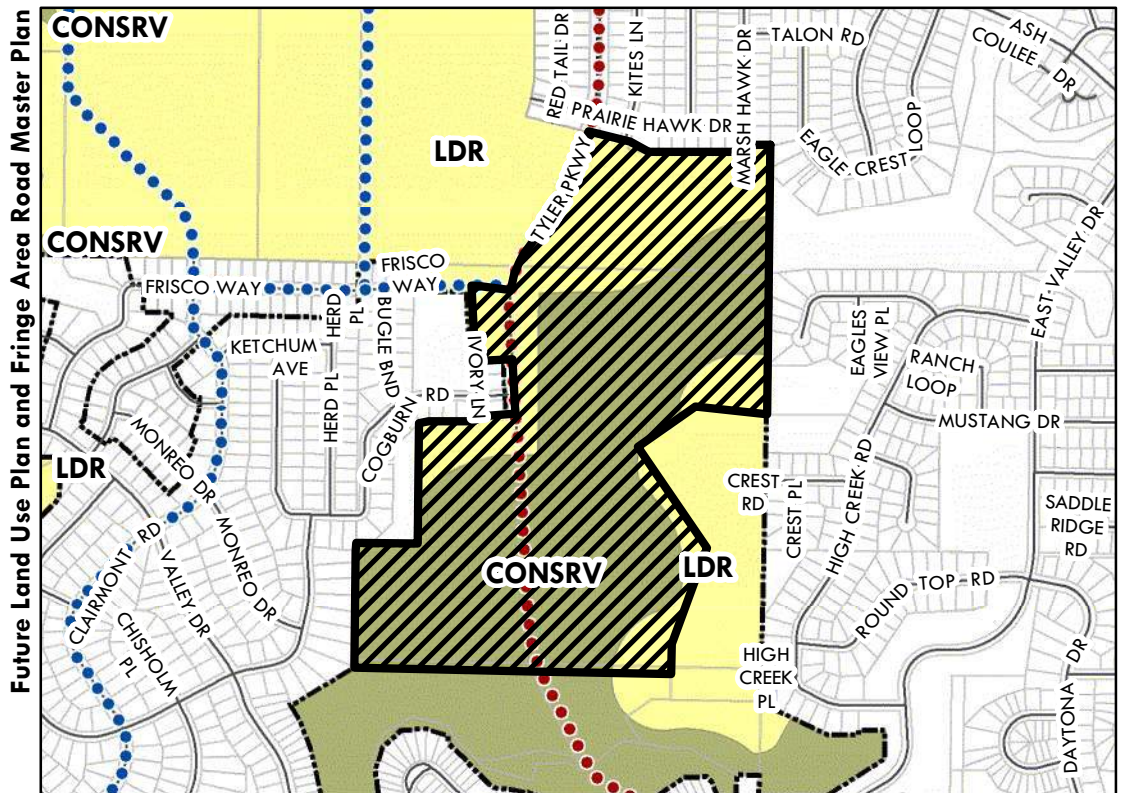
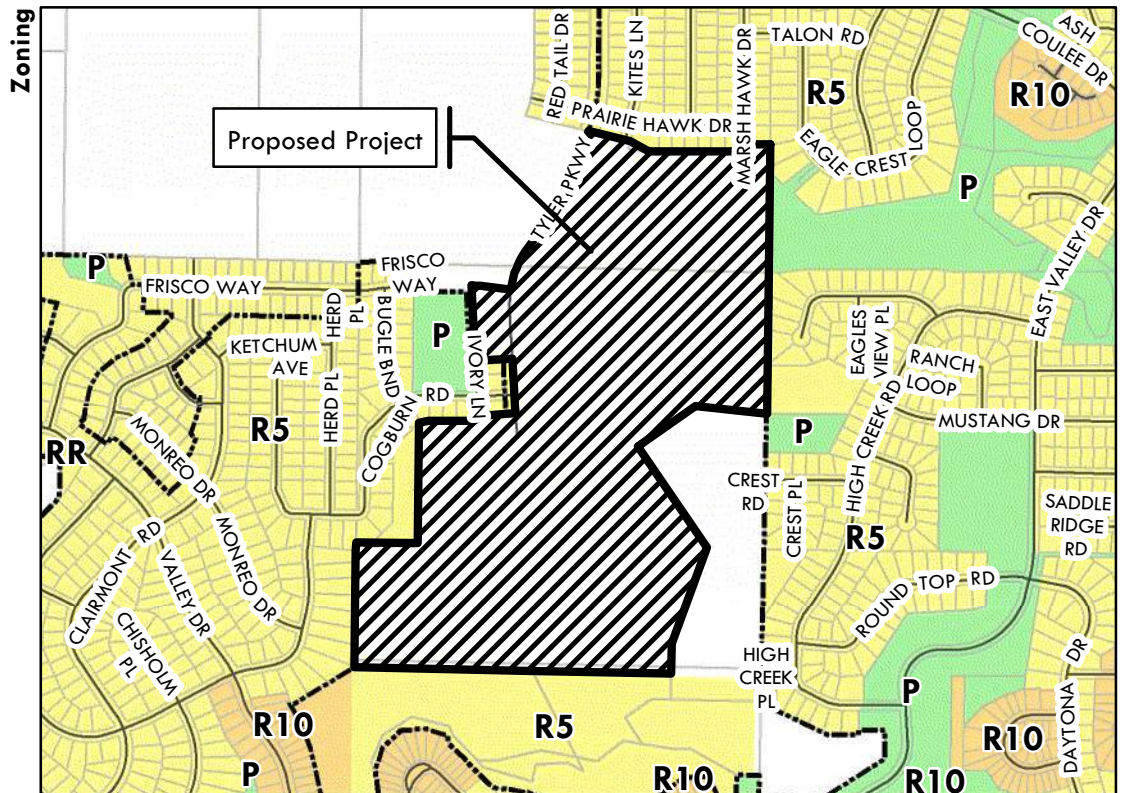
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



0 0.175 0.35 0.7 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
December 12, 2019

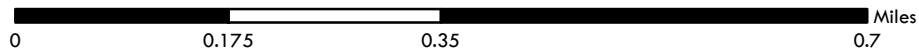
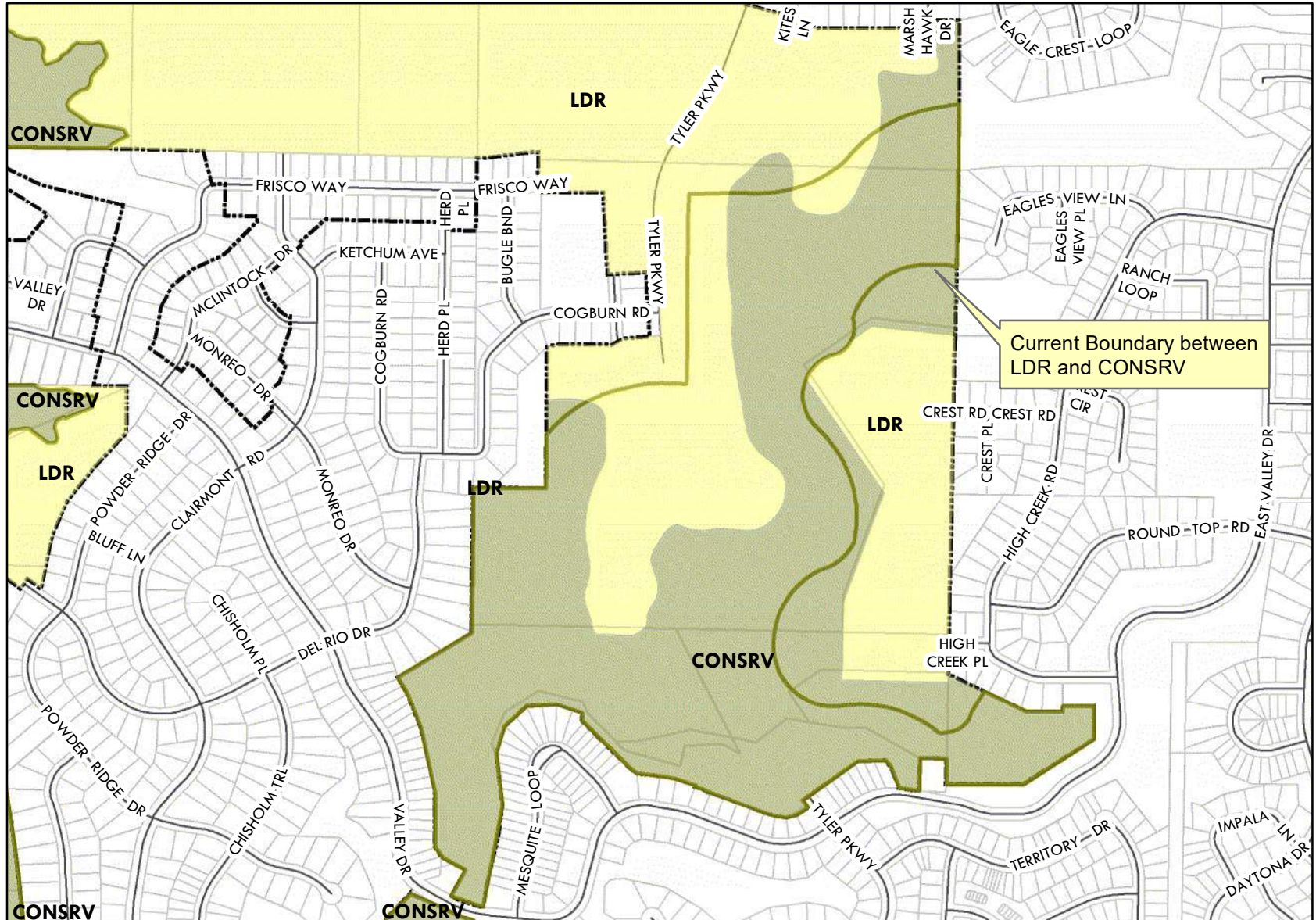
Proposed New FLUP Map



Project Area
(FLUP within
is proposed)

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
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RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



City Limits

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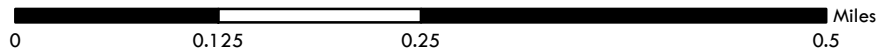
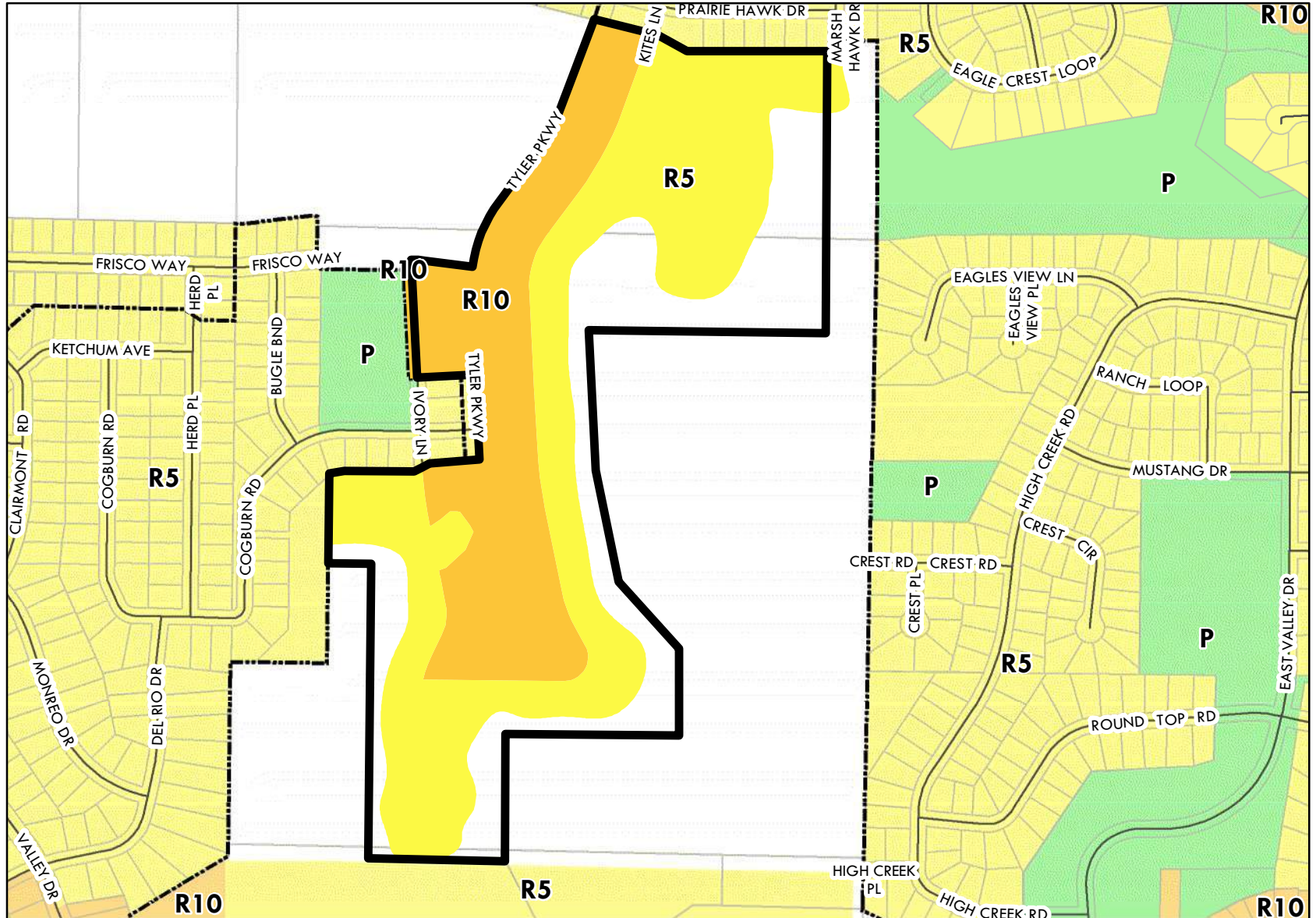
Proposed New FLUP Map

Project Area
(zoning within
is proposed)

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district



City Limits

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not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.



NOV 15 2019

FLUP/Zoning change—Sections 18 & 19-139-80

Tyler Coulee, LLP & Ron Knutson are requesting a zoning change from A-Agricultural zoning to R5 & R10-Residential Districts, and a FLUP change from Conservation to Low Density Residential.

The proposed changes are compatible with adjacent land uses and zoning, (LDR/R5 zoning in Promontory Point Subdivisions to the west & Eagle Crest Sixth & Eighth Additions to the east) and will allow for the future extension of roadways to connect communities within NW Bismarck.

The goal of this request is to inform adjacent property owners of the land owners' intent to master plan for future development and the proposed type of development that can be expected (single family and twin homes).

The second goal of this request is to adjust and update the future land use plan (FLUP) for this area as it relates to the FLUP conservation area. The "Conservation area" first showed up in the 2007 Regional Land Use Plan. At that time, it was referred to as "Parks/Open Space/Greenways". The future land use plan in the 2014 Growth Management Plan changed the classification to "Conservation". The Growth Management Plan was updated in 2016. The update in 2016 was a broad brush updated so that it could be easily utilized in GIS. That change from 2014 to 2016 unfortunately included buildable areas on the high ground adjacent to Tyler Coulee. City staff have regularly told developers and the general public that the conservation areas were identified broadly, and that they could be modified in conjunction with zoning changes.

The definition of the conservation land use is "areas such as streams, trail corridors, and wetlands to be maintained as permanent open space."

This request still maintains the goal of conservation areas for this tract of land.

FLUP EXHIBIT

Section 18 & 19, Township 139 N, Range 80 W

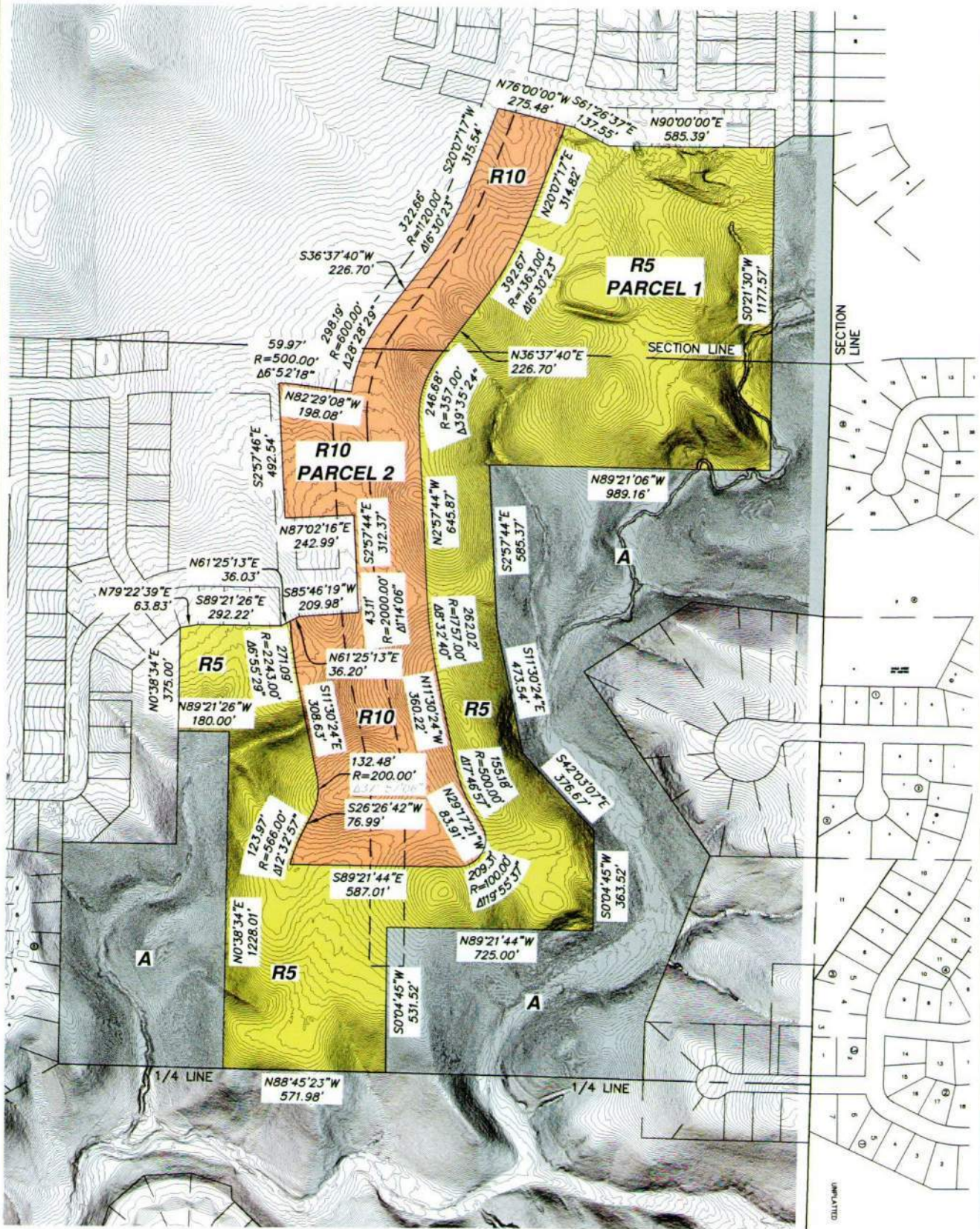
NOV 15 2019



ZONING EXHIBIT

Section 18 & 19, Township 139 N., Range 80 W

NOV 15 2019



**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
December 18, 2019**

The Bismarck Planning & Zoning Commission met on December 18, 2019, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chair Schwartz presided.

Commissioners present were Tom Atkinson, Steve Bakken, Vernon Laning, Gabe Schell Wendy Van Duyne and Mike Schwartz.

Commissioners Susan Axvig, Brian Bitner, Brian Eiseman, Paul Levchak and Kevin Martin were absent.

Staff members present were Ben Ehreth – Community Development Director, Will Hutchings – Planner, Daniel Nairn – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Administrative Assistant and Jannelle Combs – City Attorney.

MINUTES

Chair Schwartz called for consideration of the minutes of the November 20, 2019 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the November 20, 2019 meeting, as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bakken, Laning, Schell, Van Duyne and Schwartz voting in favor of the motion.

CONSIDERATION

- A. HERITAGE PARK SECOND ADDITION – PRELIMINARY PLAT AND ZONING CHANGE**
- B. HERITAGE RIDGE SECOND ADDITION – PRELIMINARY PLAT AND ZONING CHANGE**
- C. EUGENES FIRST ADDITION – PRELIMINARY PLAT**
- D. PART OF SECTIONS 18 & 19, HAY CREEK TOWNSHIP – FUTURE LAND USE PLAN AMENDMENT AND ZONING CHANGE**

Chair Schwartz called for consideration of the following consent agenda items:

- A. Heritage Park Second Addition – Zoning Change and Preliminary Plat
- B. Heritage Ridge Second Addition – Zoning Change and Preliminary Plat
- C. Eugene's First Addition – Preliminary Plat
- D. Part of Sections 18 & 19, Hay Creek Township – Future Land Use Plan Amendment and Zoning Change

Mr. Nairn indicated there was a mistake on the staff recommendation for Heritage Ridge Second Addition, that it was mistakenly presented as Heritage Park Second Addition on both staff reports and said it will be corrected for the next meeting.

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items A, B, C and D calling for public hearings or granting tentative approval on the items as recommended by staff, with the correction to the staff recommendation for Heritage Ridge Second Addition. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bakken, Laning, Schell, Van Duyne and Schwartz voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (TEMPORARY OFF-SITE PARKING LOT)
PART OF LOTS 4-6 AND ALL OF LOTS 7-8, BLOCK 15, NORTHERN PACIFIC
ADDITION (202-212 EAST AVENUE A)**

Chair Schwartz called for the public hearing on a special use permit for the continuation of a temporary off-site parking lot to be located on Lots 7-8, the S1/2 of Lot 4, the N1/2 of Lot 5, the West 50 feet of the S1/2 of Lot 5 and the West 50 feet of Lot 6, Block 15, Northern Pacific Addition (202-212 East Avenue A). The property is located in the downtown area of Bismarck, on the north side of East Avenue A, between North 2nd Street and North 3rd Street.

Mr. Nairn gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies

and accepted planning practice.

8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to allow the continued use of Lots 7-8, the S1/2 of Lot 4, the N1/2 of Lot 5, the West 50 feet of the S1/2 of Lot 5 and the West 50 feet of Lot 6, Block 15, Northern Pacific Addition for a temporary off-street surface parking lot with the following conditions:

1. The parking lot is only used for personal vehicles of Sanford Health Center employees and contractors. Storage of heavy equipment, recreational vehicles, or materials shall not be allowed.
2. No vehicle may remain on the site for a period of more than 24 hours.
3. Adequate measures remain in place to limit the amount of mud and debris that would be tracked off the site and onto the public roadway.
4. Adequate measures will be utilized along the perimeter of the parking area adjacent to public sidewalks to prevent vehicles from encroaching onto the public right-of-way.
5. The use of the site as an off-street parking facility will cease on May 31, 2020.

Commissioner Atkinson asked if this will be the last extension request. Mr. Nairn said the applicant has presented some fairly well-developed plans for the future and has applied for Downtown Design Review for the month of January. He said it is unlikely another extension will be needed, but staff thought it appropriate to keep the conditions of the approval in place just in case.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Bakken made a motion to approve the special use permit to allow the continued use of Lots 7-8, the South 1/2 of Lot 4, the N1/2 of Lot 5, the West 50 feet of the S1/2 of Lot 5 and the West 50 feet of Lot 6, Block 15, Northern Pacific Addition for a temporary off-street surface parking lot with the following conditions: 1. The parking lot is only used for personal vehicles of Sanford Health Center employees and contractors. Storage of heavy equipment, recreational vehicles, or materials shall not be allowed; 2. No vehicle may remain on the site for a period of more than 24 hours; 3. Adequate measures remain in place to limit the amount of mud and debris that would be tracked off the site and onto the public roadway; 4. Adequate measures will be utilized along the perimeter of the parking area adjacent to public sidewalks to prevent vehicles from encroaching onto the public right-

of-way; 5. The use of the site as an off-street parking facility will cease on May 31, 2020. Commissioner Martin seconded the motion and the motion was approved with Commissioners Axvig, Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell and Schwartz voting in favor of the motion. Commissioner Atkinson opposed the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (CHILD CARE CENTER)
LOTS 4-8, BLOCK 2, EAST VIEW ADDITION (609 NORTH 34TH STREET)**

Chair Schwartz called for the public hearing on a special use permit for a child care center to be located within the existing church building on Lots 4-8, Block 2, East View Addition (609 North 34th Street). The property is located in east Bismarck, north and west of Bismarck Expressway on the west side of North 34th Street.

Mr. Nairn gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to allow a child care center within the existing church building on Lots 4-8, Block 2, East View Addition, waiving the requirement to provide outdoor recreation area, and with the following condition:

1. Any necessary improvements to the building required to meet International Building Code and the International Fire Code are made prior to start of operations.

Commissioner Laning asked if there is a requirement to have a fence around the outdoor play space, and if not provided has the applicant indicated how to provide special monitoring without a fence. He said the Bismarck Parks and Recreation District would not be likely to allow a fence because of a private use.

Mr. Nairn said a fence is not proposed and the applicant is present and would be best suited to answer the question about monitoring.

Commissioner Bakken asked if there is any concern regarding increased traffic. Mr. Nairn said they did receive one comment regarding concerns of snow removal operations, which was distributed prior to this meeting. He said concerns regarding traffic impacts were not expressed.

Chair Schwartz opened the public hearing.

Colleen Borgen said she would be the operator of the child care center and said she can provide proper staffing for the number of children she plans to have on site regarding the question about the waiver from the fencing requirement. She said she would start with 20 children and understands the concern expressed about the lack of a fence.

Commissioner Van Duyne asked what age range the center would serve. Ms. Borgen said it would be for children ages three to five with the plan of offering morning and afternoon preschool, in addition to extended care as needed. She said not all of the children would be outside at the same time, likely only allowing 10 out at one time. She said she still needs to pass the state licensing process and would have five staff members total.

Written comments are attached as Exhibit A.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Bakken made a motion to approve the special use permit to allow a child care center within the existing church building on Lots 4-8, Block 2, East View Addition, waiving the requirement to provide outdoor recreation area, and with the following condition: 1. Any necessary improvements to the building required to meet International Building Code and the International Fire Code are made prior to start of operations. Commissioner Atkinson seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell and Schwartz voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (OFF-SITE PARKING LOT)
LOTS 1-8, BLOCK 64, MCKENZIE AND COFFINS ADDITION (818-828 NORTH
7TH STREET)**

Chair Schwartz called for the continued public hearing on a special use permit for an off-site parking lot in an RM30-Residential zoning district to be located on Lots 1-8, Block 64, McKenzie and Coffins Addition (818-828 North 7th Street). The property is located in central Bismarck, south of East Avenue E and north of East Avenue D, along the west side of North 7th Street.

Mr. Hutchings said the applicant and their consultant met with the neighboring property owners on December 3, 2019 to discuss concerns and again on December 10, 2019 to review the revised site plan included with this staff report. He said based on the input received at these meetings, the applicant has revised the site plan to include a row of trees along the alley and extend the curbing along the alley into the portion of the parking lot that exists on the church property.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow an off-site parking lot in an RM-30 – Residential zoning district to be

located on Lots 1-8, Block 64, McKenzie and Coffins Addition, with the following conditions:

1. The development of the site must generally comply with the submitted site plan.
2. If the proposed use of the parking lot changes to anything other than use for Bismarck High School staff parking during school hours, church functions, leased spaces on the church property for students during school hours and event patrons for either organization the access point on North 7th Street must be revisited for consideration of closure.

Commissioner Laning asked if the trees to be placed along the alley would block the view or if they are only seasonal. Mr. Hutchings said they would be Corinthian Lindens, which are a conical shaped tree and were proposed as being ideal in this location by the City Forester.

Commissioner Van Duyne asked if any shrubs were considered to block the parking lot lights and views.

Mr. Hutchings said shrubs would not be as upright and the trees would be able to be planted closer together. He said the trees option was most preferred by the neighborhood as well.

Lon Romsaas, Swenson, Hagen & Co., said they presented two buffer options to the church and the neighborhood. He said by ordinance, only a 1½-inch caliber tree is required and these trees would be a 4-inch caliber, so they are going beyond the requirements of the ordinance to satisfy the neighborhood.

Bob Koch, 827 North 6th Street, said it was nice to be able to work through their concerns with Bismarck Public School District and First Evangelical Lutheran Church, but it seems the increased traffic is not able to be mitigated at this time. He said he is curious as to how to resolve people not using the alley as their main point of access to the parking lot and asked if some signs could be placed to help guide drivers. He also asked how any damage to the alley would be remedied without any impact to the adjacent owners.

Kay Solberg-Link, 807 North 6th Street, said she commends all of those who have volunteered their time. She said she chose to return to Bismarck many years ago and it has always felt like home. She said she did not plan to stay, that was 15 years ago, and she does not have any plans to leave any time soon. She said it needs to be made sure that things are done diplomatically and that is what was done during the meeting with neighborhood. She said a private discussion was even offered to be had and she gives major applause to all who worked to relieve the concerns of the neighborhood.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Bakken asked if there is anything to consider for constraints in the event traffic does become an issue.

Commissioner Schell said as issues arise they would certainly address any impact. He said alleys are not easily damaged except maybe by garbage trucks or other very large vehicles.

MOTION: Commissioner Bakken made a motion to approve the special use permit to allow an off-site parking lot in an RM-30 – Residential zoning district to be located on Lot 1-8, Block 64, McKenzie and Coffins Addition with the following conditions: 1. The development of the site must generally comply with the submitted site plan; and 2. If the proposed use of the parking lot changes to anything other than use for Bismarck High School staff parking during school hours, church functions, leased spaces on the church property for students during school hours and event patrons for either organization the access point on North 7th Street must be revisited for consideration of closure. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bakken, Laning, Schell, Van Duyne and Schwartz voting in favor of the motion.

PUBLIC HEARING – AMENDMENTS TO GROWTH PHASING PLAN

Chair Schwartz called for the public hearing on an amendment to the Priority and Future areas of the Growth Phasing Plan, as requested by the Community Development Department.

Mr. Nairn presented an overview of the proposed changes stating that those areas indicated in green are Priority areas, pink are Future areas and yellow are those areas that are expected to stay the same. He said the changes are relatively minor with the majority of the changes being a few areas that would shift from priority areas to future areas. He said the criteria for this is mainly utility servicing abilities in those areas.

Mr. Nairn gave an overview of the amendments, then gave the following findings:

1. The proposed Growth Phasing Plan amendment would not adversely affect the public health, safety or general welfare.
2. The proposed Growth Phasing Plan amendment is justified by a change in conditions since the Growth Phasing Plan was adopted in 2014.
3. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Nairn said, based on these findings, staff recommends approval of amendments to the Priority and Future areas of the Growth Phasing Plan, as shown on the map attached to the staff report.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Laning made a motion to approve the amendments to the Priority and Future areas of the Growth Phasing Plan, as shown on the map attached to the staff report, as recommended by staff. Commissioner Bakken seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bakken, Laning, Schell, Van Duyne and Schwartz voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:36 p.m. to meet again on January 22, 2020.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

From: [Al Heidt](#)
To: [Planning - General Mailbox](#); [Daniel Nairn](#)
Cc: [REDACTED]
Subject: Item # 7 on agenda for 12/18/2019 City Commission meeting - Daycare at Calvary United Methodist Church
Date: Wednesday, December 18, 2019 9:36:24 AM

I wanted to touch on three items regarding this proposal, I didn't see an email address or contact information on Collen Borgen or I would have included her also, I assume this will also be forwarded to her and the City Commissioners:

1. Being this proposal is asking for approval without a fenced play area, It needs to be brought to your attention that occasionally a homeless-transient person does show up on the church bench or in the evergreens in the park, I assume when this happens they have come from the bus terminal, again while very minimal it does happen
2. I am being told the opening hours on this daycare will be 7 a.m., I have a concern about the snow removal process by the daycare and church, this church is surrounded by homes on three sides, I live directly across from the parking lot. Up until last year it really was never an issue, however last year became a real issue, we ultimately got it resolved and the snow removal was done from the hours of 7 am to 10 pm, after contacting Don at Calvary in Oct, the snow removal has been done in those hours so far this year. I would like some assurance this is going to continue, as I have no desire to get woken up at 5-6 am by snow removal equipment, as it is impossible to sleep when they are doing this
3. Lastly regarding the snow removal, May I ask that you have your contractor put a muffler on this pickup as even at 7am we are still in bed, but this simple fix would also make things much less noisy

Regards

Alan Heidt
600 N 34th St
Bismarck, N.D. 58501
[REDACTED]

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2020

*****City*****

*****ETA*****

	12/2020		12/2019		12/2020		12/2019	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	0	\$0.00	2	\$241,009.40	0	\$0.00	0	\$0.00
DETACHED GARAGE	0	\$0.00	1	\$6,888.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	0	\$0.00	1	\$2,170.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	0	\$0.00	4	\$144,291.00	0	\$0.00	2	\$56,000.00
BASEMENT FINISH	0	\$0.00	2	\$35,100.00	0	\$0.00	1	\$10,400.00
COMMERCIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	0	\$0.00	2	\$0.00
NEW SIGN PERMITS	0	\$0.00	4	\$95,222.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	0	\$0.00	11	\$3,904,786.55	0	\$0.00	0	\$0.00
Total	0	\$0.00	29	\$4,429,466.95	0	\$0.00	5	\$66,400.00

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2020**

*****City*****

*****ETA*****

	12/2020		12/2019		12/2020		12/2019	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	0	\$0.00	59	\$0.00	0	\$0.00	2	\$0.00
BUILDING MECHANICAL	0	\$0.00	96	\$773,359.67	0	\$0.00	16	\$129,523.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	1	\$2,000.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	0	\$0.00	11	\$221,478.00	0	\$0.00	0	\$0.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	0	\$0.00	2	\$0.00
Total	0	\$0.00	167	\$996,837.67	0	\$0.00	20	\$129,523.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2020

	*****City*****		*****ETA*****	
	12/2020	12/2019	12/2020	12/2019
Living Units	Units	Units	Units	Units
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
SINGLE FAMILY DETACHED	0	1	0	0
Total	0	1	0	0

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

*****City*****

*****ETA*****

	12/2020		12/2019		12/2020		12/2019	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	0	\$0.00	149	\$36,597,914.28	0	\$0.00	36	\$12,317,670.73
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	52	\$9,107,876.66	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	0	\$0.00	0	\$0.00	0	\$0.00	1	\$430,449.06
MULTI FAMILY RESIDENTIAL	0	\$0.00	2	\$11,000,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	0	\$0.00	23	\$1,435,197.88	0	\$0.00	11	\$707,235.75
DETACHED GARAGE	0	\$0.00	28	\$341,910.00	0	\$0.00	61	\$1,653,114.00
DECKS\PORCHES & COVERED PORCHES	0	\$0.00	145	\$539,995.50	0	\$0.00	25	\$130,386.50
SWIMMING POOLS	0	\$0.00	10	\$654,994.00	0	\$0.00	2	\$107,174.00
RESIDENTIAL ALTERATION/OTHER	0	\$0.00	45	\$1,557,530.00	0	\$0.00	11	\$556,750.00
HOME OCCUPATION	0	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	0	\$0.00	18	\$52,124.00	0	\$0.00	1	\$2,880.00
BASEMENT FINISH	2	\$48,788.00	100	\$1,469,412.90	0	\$0.00	18	\$320,755.00
RESIDENTIAL	0	\$0.00	4	\$0.00	0	\$0.00	1	\$0.00
COMMERCIAL	0	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	0	\$0.00	13	\$0.00
NURSERY STOCK SALES	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	6	\$0.00	0	\$0.00	0	\$0.00
MOVE WITHIN	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
NEW SIGN PERMITS	0	\$0.00	124	\$1,506,234.41	0	\$0.00	2	\$5,281.00
SIGN ALTERATION	0	\$0.00	33	\$398,458.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	0	\$0.00	2	\$34,090.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	2	\$19,740,000.00	24	\$37,684,439.00	0	\$0.00	10	\$1,564,133.97
COMMERCIAL ADDITION	0	\$0.00	10	\$29,768,203.00	0	\$0.00	0	\$0.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020**

*****City*****

*****ETA*****

	12/2020		12/2019		12/2020		12/2019	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
COMMERCIAL ALTERATION	0	\$0.00	139	\$49,418,172.40	0	\$0.00	6	\$7,488,004.00
Total	4	\$19,788,788.00	955	\$181,566,552.03	0	\$0.00	199	\$25,283,834.01

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

*****City*****

*****ETA*****

	12/2020		12/2019		12/2020		12/2019	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	7	\$0.00	839	\$444,945.96	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	4	\$365,167.00	1197	\$23,568,105.46	0	\$0.00	177	\$1,423,328.27
BUILDING MECHANICAL FIREPLACE	0	\$0.00	2	\$8,000.00	1	\$3,000.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	1	\$23,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	1	\$16,011.00	301	\$8,931,420.00	1	\$500.00	52	\$2,041,219.00
BUILDING SEPTIC	0	\$0.00	1	\$0.00	0	\$0.00	32	\$20,500.00
Total	13	\$404,178.00	2340	\$32,952,471.42	2	\$3,500.00	261	\$3,485,047.27

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

	*****City*****		*****ETA*****	
	12/2020	12/2019	12/2020	12/2019
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	0	110	0	0
MANUFACTURED HOMES	0	19	0	0
2-UNIT DUPLEX OR CONDO	0	0	0	2
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	50	0	0
SINGLE FAMILY DETACHED	0	147	0	35
SWIMMING POOLS	0	0	0	0
Total	0	330	0	37